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Section 1

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Section 2

INDEX OF SPEAKERS

(MORNING SESSION)	Section
JAMES STROCK jamestrock.com, Incorporated	40
MARGUERITE YOUNG Clean Water Action	44
DENNY LARSON Global Community Monitor	50
DARREL GERLAUGH Regional Tribal Operations Committee	56
KESNER FLORES Regional Tribal Operations Committee	56
DON HORSLEY San Mateo County Sheriff	58
LYMAN SCHAFFER Pacific Gas & Electric Company	62
BILL MATTOS California Poultry Federation	64
JOHN ALLEN Union Pacific Railroad	68
JACK JACOBS EMA, Incorporated	74
NANCY OKASAKI Metropolitan Transportation Commission	81
LARRY KAMER Kamer Consulting Group	85
VICTOR WEISSER California Council for Environmental and Economic Balance	90
MICHAEL R. BARR, ATTORNEY-AT-LAW Pillsbury Winthrop LLP	92

INDEX OF SPEAKERS [Cont.]: Section

JAY JANSSON 99
SBC Pacific Bell
DANIEL MAXON 105
Clark County Health District, Las Vegas, NV
RENEE PINEL 116
California Plant Health Association
STEPHEN HALL 122
Association of California Water Agencies

(AFTERNOON SESSION)
DAVID WITT, M.D. 133
Kaiser Permanente
RAY RIORDAN 142
East Bay Municipal Utility District
PAUL ZYKOFSKY 155
Local Government Commission
NELSON MEEKS 162
California Manufacturers and Technology Assn.
TERRY THEDELL, PH.D. 168
Sempra Energy
ADAM HARPER 172
California Mining Association
ED YATES 178
California League of Food Processors
ARTHUR BURTON 182
American Council of Independent Laboratories
JEFF HOMER 188
General Dynamics Decision Systems

SAN FRANCISCO, CALIFORNIA, TUESDAY, DECEMBER 18, 2001
9:12 A.M.
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MR. NASTRI: Good morning. My name is Wayne Nastri. I'm the regional administrator for US EPA.

(Pause.)

Let's try this again.

I'd like to begin by thanking all of you for attending our conference here today. Let me explain to you sort of the -- the rationale why EPA is holding this forum.

I've been on the job for two short months, and almost from day one the events of September 11th have impacted our mission from what the traditional role has been.

And there's been a tremendous amount of concern expressed to us at EPA from the regulated community, from the environmental organizations, from community organizations, from other state organizations, in terms of how do we continue to protect the environment and fulfill our role in making sure that we are doing the right thing and yet be aware of the concerns related to security.

And when you look at the traditional answer or support mechanism, you would look to consultants; you

would look to other NGO, nongovernmental organizations, to provide a lot of support. But in a sense we're all in the same position. We're all sort of trying to learn how to move forward.

And so one of the things that we thought would be a good idea would to be to invite the public, to invite those community members, environmental organizations, business entities that have those questions and let us know directly what are some of their concerns and what are some of their issues that they think that we should be addressing that perhaps we are not.

And I know that there's concerns in terms of making sure that we still fulfill our mission, making sure that we provide information so that the people can understand that, in fact, the environment is being protected.

And I hope to hear today from our other partners here in the federal and state agencies and local agencies what some of their thoughts are in how we are all working together to make sure that the United States is safe and that we have an environment that benefits us all.

So let me begin by introducing our panel. And also, I want to recognize that we have a lot of people

that aren't up here today that are going to be listening and taking notes and the lessons learned that we have today, and we're all going to be working in collaboration; and we're going to be reaching back out to you, to members of the regulated community, the environmental and community groups, and develop a plan of how we will move forward.

But let me begin on my left. I have Captain John Walmsley, Department of Health and Human Services. I have Dan Meer, who's in charge of our Superfund response and planning branch, deals a lot with our emergency response capabilities. And on my --

MR. RIDGEWAY: Tom Ridgeway.

MR. NASTRI: -- right, your left, Tom Ridgeway from the -- FEMA, very important organization, one that we obviously work very closely with. And next to Tom we have Bill Nelson from ATSDR, also a very important partner in terms of assessing biotype threats. And we also have from the Federal Bureau of Investigation Mr. Mike Riedel, special agent.

And what I'd like to do is have each of our partners up here perhaps give a few words.

And maybe Mike, we can start with you from the Federal Bureau, since obviously if there is a incident, you guys immediately come in and take charge and call us

and FEMA and EPA.

MR. RIEDEL: Sure.

First, it's my pleasure to speak today before you all. My -- What I planned on doing today was coming and discussing threat protocols that -- that we use.

Early on after the 11th, we met and decided we need to have a definite system, a tiered system, to address threats in the Bay Area.

You all know that it's been a fiasco at times how we release information, what information we release. So we developed this threat protocol early on; and frankly, we followed it to the letter, and it hasn't always been the case with the media and the, you know, governmental political-type agencies.

But our threat levels are briefly as follows: When we have a threat when the --

First of all, I guess I should say that we get -- I mean, I don't know the number, but we get numerous threats every day. And we have to take those threats and, you know, work through them and decide which ones that we want to put out because it is a great concern to everybody exactly what we face daily now, and we recognize that.

So we try to go through all those threats and

decide which ones are -- are -- you know, have some basis in fact and which ones, you know, are -- just have no basis in fact and aren't worth putting out to you people.

When the origin of a threat is a person of known reliability and the person is in a position to know and have a degree of access to that type of information and where the targets are specific with details, that's our first tier of our -- our first threat level.

And in a level like that, we would notify obviously law enforcement, consequence management through the -- through the media. We would notify all of the public, and that would be -- obviously, we would blanket the earth with -- with the information on that threat.

The second level's when the origin is a person of known reliability and is in a position to know and have a degree of access. This level is where the targets are not specific and there are no real details, just a broad threat.

At this level we would probably just notify law enforcement, and I'll tell you how we do that in a minute, but probably just law enforcement we would -- we would tell. But so far every time we have just notified

law enforcement. Of course, the media finds out and blanket anyway, so . . .

And also, at level 3 is when the target is from an individual of unknown reliability and there is no specific threat or target, only law enforcement, again, will be notified.

And level 4, of course, you could imagine is when there's no specific target, no -- we're just dealing with all unknowns, then we -- we pretty much just notify our -- our JTTF, our Joint Terrorist Task Force, of which I will talk very briefly about in just a second.

I know Tom Ridge yesterday came out with this same threat to be on the lookout during the holiday season. Before yesterday it was to be on the lookout before Ramadan, for the law enforcement to be at the highest state of preparedness and so on.

And we know the reason he does that is just to keep everybody geared up. There's no new threat information.

He didn't announce that yesterday because of any additional threat information. He just wants -- I sort of jokingly call it the weekly reminder kind of thing that we need to stay at a heightened state of alert, of alert, because I think it's based upon a large

amount of information, you know, that they get in a variety of ways, both unclassified and classified ways.

So I want to point out especially that in light of yesterday's alert, that there is no new information, and the FBI knows of no threat information today that you should be, you know, overly concerned about other than this continuing alertness.

And I want to say also that if we do obtain a threat, whether it's a classified threat, whether it's, you know, from the highest secret levels, if it's a threat that's -- has to do with the Bay Area and public safety, regardless of that level of classification, we're going to alert the public immediately. I want to make that perfectly clear.

We're not holding information back. The FBI will not hold information back. We'll alert the public if any imminent danger is upon us.

And also, I would like to say the FBI has developed a Joint Terrorist Task Force that is -- as of today I think we have 23 agencies involved, federal, state and local agencies; and we're expanding almost on a daily basis.

We have virtually -- you know, I'm not sure I could run through them all, but we have the IRS, ATF, the FBI; we have, you know, all the sheriff's

departments in our area, several of the police departments: San Jose, Santa Clara County, San Francisco PD. Again, 23 different agencies.

And it's a way that we are able to link with the whole community and get the word out quicker through our task force members.

That's really about all the time I was going to take. I thank you.

MR. NASTRI: Thanks, Mike.

I'd also like to introduce Lieutenant Commander Byron Black from the Coast Guard. He'll be speaking a little later.

But our next speaker is Captain John Walmsley from the Department of Health and Human Services.

CAPTAIN WALMSLEY: Thank you, Wayne.

I'd like to basically tell you a little bit about what HHS has done to prepare for WMD-type response. We traditionally have not done a very good job of letting the public and the nation know what we have done in that regard. So I'll just run through a few things.

Traditionally for disastrous response planning, the HHS, at least before 1997, was focused on preparing for the response to natural disasters. And when I first took this job, that was hurricanes, earthquakes,

tornadoes, fires and floods.

Beginning with the Nunn-Lugar-Domenici legislation in 1996, our focus shifted rather remarkably to a program of enhancing the nation to respond to terrorist attacks and WMD events.

What we -- We had several mandates. One was to enhance the federal medical response to WMD events. We have created a team called the National Medical Response Team.

We also have a large network of disaster medical assistance teams, disaster mortuary operation response teams, veterinary medical assistance teams, and, of course, the whole national disaster medical system, which is -- can scale up very rapidly, to treat large numbers of patients and evacuate injured people around the country to areas that are not compromised medically.

We also -- we have put a very large amount of effort into the development of the medic -- Metropolitan Medical Response System. At the end of 2002, 24 major metropolitan areas in Region 9 will have gone through the MMRS program, which basically enhances their capability of responding to a medical crisis like a WMD event.

We at HHS have also invested in research and

development for WMD medical response. And one of our primary current concerns is enhancing hospital preparedness for response to a WMD event.

You're probably aware that over the last several decades, hospital capacity has decreased dramatically, mostly due to cost-saving measures. And we find now that if suddenly we need to treat a thousand people for -- in the aftermath of the WMD event, the capacity that used to be there 20 years ago is not there. So we're -- we're grappling with that situation also.

We -- Several of the HHS agencies were instrumental in this area. ATSDR has been instrumental in technical assistance concerning health consequences of WMD agents. The US FDA is protecting -- working very hard to develop plans to protect the nation's food supply.

And our Centers for Disease Control under HHS has created a national pharmaceuticals stockpile program, and that basically moves a very large cache of weapons and mass destruction pharmaceuticals into a stricken area at the request of a governor and CDC's concurrence that deployment is warranted. Once all those agreements are achieved, CDC has agreed to provide this large stockpile of pharmaceuticals within 12 hours.

And CDC is currently working with state health departments to plan for the receipt of that push package, repackaging it once it gets there, distributing it to the population, and then resupply, how to keep bringing in additional pharmaceuticals.

HHS has also recently created the Office of Public Health Preparedness. That's in the Office of the Secretary. It's a brand-new office headed by D. A. Henderson of smallpox eradication fame.

The new office is created to enhance the HHS approach to preparing for bioterrorism. It's brand new. It's still kind of getting its feet on the ground. But clearly, a little extra effort is indicated in this area, and HHS has risen to the challenge.

HHS was heavenly -- heavily involved in response to the World Trade Center catastrophe in New York. We provided extensive assistance and support to the New York City Department of Health. We sent in disaster medical assistance teams, veterinary medical assistance teams. Our disaster mortuary operations response teams were heavily used. And we spent several months in New York City working closely with the health department to help them respond to that event.

And HHS is very interested in hearing from the public perspective how we're doing, what's your concerns

are. And I look forward to hearing today what your impressions are of our programs. Thank you.

MR. NASTRI: Thank you, Captain.

I'd like to again introduce Tom Ridgeway from FEMA. Obviously, we work very closely with FEMA on issues affecting the environment.

Tom?

MR. RIDGEWAY: Thank you, Wayne.

Just a couple of things. I -- I'd like to explain a little bit about FEMA's role. Generally, we have -- we have two primary functions in this area. One -- one is to support state and local government planning and training and exercise activities in preparation for any kind of a terrorist event, and we have several programs in -- in the works now that are addressing those areas. And secondly, I think we're -- we're fairly well known for our traditional disaster response.

We have treated -- In a terrorism event, our role is to really address what we call the consequences of an event or to basically help people recover from an event rather than to try to respond to actually trying to be involved with the criminal investigation and so forth.

We do have a plan called the Concept of

Operations Plan that was worked out with the Justice Department and the FBI that provides for coordination between the -- the criminal investigation role and the response role, the recovery role -- response-and-recovery role during a terrorist event as well.

But typically our activities would be handled under the Federal Response Plan where we coordinate the support of 28 signatory federal agencies in any kind of a disaster.

So we provide support to state and local assista- -- to state and local governments during an event. And those are -- I think, are our two primary roles.

We're also very much interested in hearing from the public and hearing what the preparedness activities are in the public and what maybe some of the needs are out there, because we have been looking at doing some capability assessments recently with -- in combination with the EPA as well.

MR. NASTRI: Thanks, Tom.

Lieutenant Commander Byron Black from the Coast Guard, again, another important partner in EPA's efforts once -- to actually respond to various incidents.

COMMANDER BLACK: Thank you very much.

Obviously, this is a very challenging time for the Coast Guard as it is for all the players that are involved in this response.

The Coast Guard has always had a port security mission, and the importance and the priority upon that mission has obviously gone up dramatically over the course of the last couple of months. So what I thought I'd do is just give you a real quick overview of some of the things that the Coast Guard's doing and the approach that we are taking.

We're looking at this from a two-prong approach, really. The first object that we're trying to accomplish from the Coast Guard side is the prevention.

On the prevention side, what we're doing is: We've got a layered defense using the resources that we have available to us, and there's any number of things that we're doing to try and make it more difficult for a terrorist to bring a weapon of mass destruction or something like that into the US waters.

First of all, we have increased the reporting requirements for vessels. Commercial vessels are now required to give 96-hour notice as opposed to 24, and with that notice they are required to give us listings of the passengers and the crew that are on board the vessel and also the cargoes that are on board.

We are then able to take the listing of the personnel on board and run it, working with the FBI, through some of the terrorist links so that we can try and identify potential folks on board that are of higher interest to us so that we can target those vessels for increased scrutiny.

Once the vessels get ready to come into US waters, we have a program where we board many of the vessels. On those what we will do is: We will frequently go on board to check to make sure that the people actually on board are the same ones as were reported to us, check to make sure that the documents that they have are all correct and in good order.

Then once the vessel's allowed to proceed on into port, we've got -- even at that point we have several approaches that we can use.

We have a program called the sea marshals, which you may have heard about. The intent of that program is to put armed Coast Guard personnel on board the vessels transiting into within and out of the ports. And their job is to make sure that people on board the vessel can't take over the vessels, such as was done with the airliners. So that's -- the sea marshals are geared towards an internal threat on board the vessels.

We also target some of the vessels to receive

escorts by our small boats. We will have Coast Guard small boats or patrol boats that will escort the vessel into the bay or out of the bay, and their purpose is to try and make it more difficult for a terrorism -- an external threat to come, such as the Cole scenario.

So they are geared to protect the vessel from outside threats where the sea marshals are geared towards internal threats on board the vessel.

In working with that, we're working very closely with a large number of -- of partners, both on the federal, the state, and the local level. Those include Customs, INS, the FBI, state and local officials.

Now, in the event that an event actually takes place, we shift into the response mode. And what we work there is: We're working very closely with local officials, particularly local health officials, the EPA, the state and within the Coast Guard as well as the FBI and terrorism side of the house is to try and look at the response to a potential action that would be taking place.

Along the lines with that -- again, we're working very closely with a large number of partners. We're currently working with the state Office of Emergency Services. In fact, the Department of Fish and

Game has a boat that's helping us with the patrol and the escorts.

We're working very closely with the EPA to develop, you know, biohazard anthrax response protocols. We're working with training, to provide training to potential responders and also working to go attend training with other folks to increase the level of expertise both within the response community and within the Coast Guard.

We're also working on things such as the state Subcommittee on Terrorism to provide input to them as well as a number of other things.

As far as resources that we have to bring the bearing in an event of an actual response, we're largely a resource broker to bring in other outside agencies.

We do also have a pacific strike team, or the national strike force, that we can bring to actually respond in the event that there actually is a terrorism action. The Coast Guard strike teams have been very closely working in New York with the cleanup and also in Washington.

So those are some of the things that the Coast Guard's doing, and I'll be happy to try and answer any questions later on if anybody has any. Thank you very much.

MR. NASTRI: Thank you very much.

Let's move on now to a brief presentation by our Dan Meer -- I'm sorry. We're going to have Bill from ATSDR.

Do you mind saying a few words?

MR. NELSON: No. Thank you. I appreciate it.

I'll be very brief because I know that the main subject of this -- of these meetings is for us to hear from you and see what we can perhaps do better.

My name is Bill Nelson. I'm the senior regional representative for an agency called the Agency for Toxic Substances and Disease Registry. We call it "ATSDR" for short.

We are part of the health -- Department of Health and Human Services, and we're very, very closely connected with the Centers for Disease Control, which that name you'll probably recognize.

The director for the Center for Disease Control is also the director for our agency; and in fact, we're both located in Atlanta, Georgia, and we share a lot of information. We share a lot of activities, and we share a lot of responsibilities.

Basically, as you're probably aware of, the Center for Disease Control deals with infectious diseases, maternal and child health immunization issues

and situations like that.

ATSDR deals with health issues and health problems, but we deal with it more in relationship to exposure to hazardous substances, and most of those would be chemical in nature.

At the same time, with the events that occurred on September 11th, we found that our roles are both comingling and becoming much more difficult, in fact, to follow through on.

At the same time, I'd like to give you just a brief idea of some of the issues and things that we have done so that you can better understand what our roles are.

In terms of the World Trade Center, our agency is a relatively small agency. We only have about 400 people in the agency itself. We deployed fully 100 to 150 toxicologists, epidemiologists, physicians, and other types of technical people to New York to assist in the state and county and city health department in terms of providing consultation services and various other types of assistance.

At the same time, the Center for Disease Control did the same thing, and we found out that we were actually literally working very, very closely together, which was great.

One of the things that we have done, of course, is to work with EPA and the other federal agencies and the City, of course, in terms of doing air sampling and doing different types of follow-up in terms of trying to determine what is actually hazardous there and what people can do to prevent that.

Moving on, in terms of dealing with anthrax, we have, similar need to the Coast Guard and others, developed medical guidelines that could be followed by city, state and county governments as well as other federal agencies.

We have reviewed and are attempting to provide consultative services on literally a daily basis to individuals who either may have been exposed or who have a fear of being exposed to anthrax, and we are providing both public as well as medical education in terms of anthrax to the communities.

Lastly, and I should indicate that both CDC as well as ATSDR are working very closely together on developing a potential smallpox program in case there's a smallpox outbreak.

In fact, I'm a member of one of the particular teams that will be deployed if, in fact, smallpox does -- is discovered here either in the United States or even perhaps in another country. And that's a really

important issue. It will be totally different than anthrax. It will be totally different than some of the other types of terrorist activities that we have encountered.

But thus far, the National Immunization Program has trained approximately 300 people in terms of -- and breaking them into teams so that we can respond very, very quickly to any kind of outbreak or emergency that might occur.

We're continuing to do that. We're continuing to build on the teams. We're continuing to develop medical education information for the medical communities, for the hospitals, for other state, county and federal agencies so that if something like this does occur, that we're going to be hopefully prepared for.

We are also stockpiling as much as possible vaccine for smallpox, and we are also discussing the issue of having other types of bioterrorism activities occur and to help develop plans on how we can react if, in fact, other kind of viral or infectious agents are discovered.

One of the things that we do is, of course, provide immediate technical and consultative services -- and I mentioned -- to the state, city and county governments as well as other federal agencies. I've

mentioned that three times.

I should mention very simply that both the Centers for Disease Control as well as ATSDR provide these services in a consultative and technical nature. We don't come into a particular location and suddenly take over. That's one thing we do not do.

We will be invited, hopefully, by whatever entity, political entity, is -- is going to be responsible for what might occur, and we're going to provide assistance to them; and those will be the individuals that will have the final judgment call, if you will, on what activities should happen a certain way.

And I just wanted to let you know that, you know, it's not something that hopefully we come in and ride our white horses in and are going to necessarily save the day. Whatever we run into in those kinds of circumstances are probably going to be very technical and probably be very, very complicated. But we're there to literally provide you with help.

Thank you, Wayne.

MR. NASTRI: Thanks, Bill.

I'd just like to echo certainly with regards to EPA, that's also our role, to help assist local and state organizations.

And speaking of state organizations, I'd like to take a moment just to introduce some of our state partners here. Beth Zimmerman with the State of Arizona, she's in charge of disaster recovery management and part of the Division of Emergency Management.

Beth, are you here?

MS. ZIMMERMAN: [Raising her hand.]

MR. NASTRI: Great. Thank you.

Elizabeth Ashley with the State of Nevada, she's in their Division of Emergency Management.

Thank you, Elizabeth.

We also have Bob Borzelleri with the Department of Toxic Substances Control from Cal. EPA.

Bob, thanks for coming.

We also have Rich Eisner from the State of California Office of Emergency Services.

And Richard, you're going to give us a brief presentation, I think, right after Dan Meer.

And with that, Dan, I'd ask for you to give a very brief overview of EPA's role in responding to incidents, if you could go with that.

MR. MEER: Thank you, Wayne.

I will try to be brief because I know the focus is on the public presentations. But I do want to take just a couple minutes to outline some things that EPA is

doing.

You know, EPA started getting involved with counterterrorism back in '95. And I should say that I'm going to go quickly through these slides, but I will have copies available of the slides for folks that would like to have them. I'll put them on the back table during the course of the day.

EPA first started getting involved with counterterrorism in 1995 when we brought a bunch of our emergency response people together to do some training and planning on how EPA would respond to an incident. And clearly, since September 11th our world view has changed, and the situations are very fluid. We're learning as we go, and it's an evolving process. So we're all learning and doing at the same time.

But the heart of our authority is the federal on-scene coordinator, and that is a predetermined -- predesginated official who is able to assess and evaluate and help support state and local efforts to respond to incidences.

The OSC role is flexible, and it can be a lead role, a support role, an advice role; and as I'll talk a little bit later, at the World Trade Center, we provided a number of different roles.

Along with the authority comes the checkbook,

and we have a number of resources at our disposal that the OSCs can call upon: several different types of contracts for assessment and the actual emergency and rapid response work.

Byron mentioned the US Coast Guard strike teams that were very active at the World Trade Center and other places that we use quite a bit. There are first responders. They are extremely well trained. They can make what we call level-A entries into hot zones, which are the fully protective entries, and we rely on them quite a bit; and we have several regional and national laboratories at our disposal.

This is a rather busy slide, but we'd like to use it just to point out the way that the national response system works. And the thing I like about it is that it shows sort of the decision flow vertically. And I would point out that the initial assessment function, the states and locals are involved all along the way, the initial assessment.

There's a determination whether federal assistance is required. If it's not, then we look to the states and locals to provide the response. We're always available to help.

If federal assistance is required, then clearly, we would be part of some sort of unified

commander that's in command where we would participate along with other federal partners, the state and local agencies and any responsible parties that have been brought in.

What -- We like to make a very clear distinction when there's a incident, a terrorist incident, a bona fide incident that Mike could probably speak to with much more authority than I can.

And in this particular situation, we have crisis management and consequence management. And the President has established a system where the FBI is the clear lead for crisis management, and FEMA is the clear lead for consequence management, and EPA will plug in in a variety of places as technical liaisons. There's state and local communication that goes on.

But we really look to FEMA and the FBI to take the lead when there are bona fide terrorist incidents that occur.

This is all part of the Federal Response Plan that Tom alluded to. And the Federal Response Plan identifies 12 what we call ESFs, or emergency support functions. I'm going to just show those quickly.

The Federal Response Plan is triggered only when a governor of a state makes a request to the President, and the President determines that a federal

disaster should be declared. That triggers the authority that FEMA has to engage the ESFs and to provide money from funding that they have available.

I apologize; these are kind of hard to read, especially No. 10, which is the EPA's ESF, which is hazardous materials. Numbers 3, 4, 5, and 8 in yellow are the ones where EPA would be providing support.

This is just the summary of ESF 10, the hazardous materials emergency support function. And again, we would get a mission assignment from FEMA. We would be given a certain budget and be given specific direction on how to support the particular incident.

Just to talk a little bit about the World Trade Center response. We're very proud of the way that EPA responded, and we're proud of the way everybody responded, actually. It was, as one might imagine, a completely chaotic situation to start. But we felt, as this time line shows, that we were able to draw upon the resources and respond in a very appropriate way.

The attack began at 8:45. Forty-five minutes later we had four on-scene coordinators deployed, and our criminal investigation division was helping the FBI with evidence collection and crime scene work.

By the next day, we were helping to run nine air monitors in lower Manhattan. It's been described to

me is that you couldn't tell whether you were inside or outside because the dust was so thick. And we were directing ten vacuum trucks to start cleaning up lower Manhattan. As you can see, we had 100 staff deployed very quickly, and we received our mission assignment from FEMA on the 16th.

Those of you that have experience in the emergency response arena, you can imagine what providing respiratory protection for 10,000 workers entails or developing a site safety plan for something on the scale of Ground Zero. It was, to put it mildly, a challenge. But we think everybody did perform extremely well.

Just a couple of photos. This sort of -- These images, I think, have been burned on sort of indelible impressions on our psyche, and probably this is one of the -- one of the defining moments of this generation, kind of like the Kennedy assassinations, World War II.

Some of the dust and debris that we were vacuuming up in lower Manhattan. Just examples of some of the work that was going on, air monitoring in lower Manhattan with some of the cranes in the background.

As far as lessons learned, well, clearly, before 9/11 I think many of the response folks at EPA viewed our job more in terms of responding to chemicals

and oil spills and what we call typical emergency responses.

In the post-9/11 world, clearly, we've had to readjust our frame of reference and think about weapons of mass destruction, and it's clear we are going to be involved regardless of the type of incident. At all levels of government -- state, local, federal -- we need to increase our emergency response capacity.

We were very fortunate that our emergency response team was located right across the river from lower Manhattan at Edison, New Jersey, and it was not located with the Region 2 EPA office in Manhattan. And for that reason they were able to deploy quickly at Ground Zero, because lower Manhattan was completely wiped out. So that really points to the idea of having flexibility and being able to deploy assets quickly.

Moving on to another area is drinking water, which is definitely not my area of expertise; but Corine Li -- Corine, could you stand up -- from our drinking-water program, can certainly answer any questions about this.

But the President has issued decision director regarding critical infrastructure. He's given us a five-year time line for federal, state, and local and private sector areas.

Our drinking-water office, our Office of Water in Washington, has established a public-private partnership and is working in five main areas, the vulnerability assessment that's going -- that's ongoing, looking to mitigate those threats, looking at emergency operations plans and preparedness, the information sharing and information management, which is an extremely important function, we're finding out, both to manage incidents, to calm public fears, and to provide good information to people and the longer-term research on biological and chemical threats.

The federal funding that we're looking at, this funding actually that's summarized here in the second bullet, is currently in conference committee, but we're pretty confident that this funding will be made available in some form or function.

You'll note that the two big chunks, 100 million for drinking-water vulnerability assessments and 550 million to support state counterterrorism grants, the two biggest chunks of the money are going to states. So we think that's very positive, because clearly, the action, when it comes to responding, happens at the local level.

I'm going to skip over some of this grant flexibility because I don't think it's that germane.

We have done some anthrax training recently, and we're going to be taking a workshop on the road throughout the region to provide information to states and locals on how to respond to anthrax. This is the latest and greatest from CDC, Federal Occupational Health, and others.

But again, it's such an exotic threat that things change very quickly, and we are -- it's a challenge to stay on top of the latest developments, clearly. But we're doing our best, and we do have mechanisms in place to get the information out.

The drinking-water program again is planning some training on security for the infrastructure and emergency preparedness.

So just to close, conclusions, it's -- clearly, September 11th, the anthrax response, has been a catalyst for sort of a fundamental reassessment of EPA's mission: the need to coordinate carefully with our federal partners and also with the state and local agencies and the private sector. We need to strengthen those partnerships, and we're hoping that this meeting can be the start of a good dialogue with the private sector.

So I want to thank you. And again, I'd be happy to answer any questions.

MR. NASTRI: Thanks, Dan.

And again, on that theme, strengthen our partnerships, I think the mere presence of everybody up here today really reflects that, at least on the federal branches, we are working closely together. We're continuing to work closely together. And obviously, we want to hear your input, and that's really why we're here today.

I think having said that, Rich, did you want to give a California perspective, part of overall . . . ?

MR. FOSTER: Yes. I'm sure you've already -- okay. I'm sure you've heard enough from California, but Californians tend to repeat themselves, so I'll proceed.

I'm with the Governor's Office of Emergency Services. We are the state point of contact, the warning center. It's a 24-hour operation that supports emergency response throughout the state.

Our -- our role is to coordinate state resources and to ensure that the hierarchy of response from the municipality through counties to the state is seamless and the response is -- is rapid. We have a role in coordinating all of the law enforcement and -- and fire mutual-aid systems in the state and the state agencies.

And in fact, over the last several very large

disasters, including Northridge and Loma Prieta, we have been able to function within California primarily with state resources. The request for federal assistance had been limited, and it's a result of the fact that California has a lot of resources. We have a lot of equipment. We have a lot of expertise. There are exceptions, and in large spills we always coordinated with EPA, Cal. EPA, et cetera.

In looking at the issues of terrorism, weapons of mass destruction, previous presentation mentioned this -- this dichotomy, or this split, between crisis and consequence. Our state plan mirrors the federal plan to try to bridge those two sides of the equation. If we do not have information in the consequence management side of our operation until after an event is over, we can't respond. We can't respond effectively. We actually extend the response period.

Secondly, that -- it is also mentioned that local government is the key player. The first responders are local, and our job is to get locals resources, not to usurp their responsibilities or their authorities. So we focus around local government, whether it be city or county.

And we've had the benefit of numerous disasters. We have had the benefit of having to create

ICS as a manage -- crisis and response management system; and we have had the benefit of having to create a Standardized Emergency Management System so that every state agency, every local government, any player in an emergency response is operating using the same organizational template, the same procedures, the same notification procedures.

It gives us the ability to move resources from Northern California to Southern California, to go into an off center and to know exactly what our role is, where we play, what the role is of everyone at the table.

About four years ago, the state created the -- what was then called the State Standing Committee on Terrorism. It was alluded to earlier. This was at the beginning of the funding from Nunn-Lugar-Domenici to look at how the state could organize itself and to coordinate a response.

OES chairs the State Standing Committee on Terrorism as well as a second group called the State Terrorism Assessment Committee, which is a subset primarily focusing on law enforcement, health agencies, and first responders.

The role of the -- the overall group is to coordinate planning, coordinate and exchange

information.

The role of the subgroup, the STAC, is to mirror the role that's played by the FBI in assessing a threat in real time. STAC has, in fact, been in almost continuous meetings since the 11th; but it did, in fact, meet during the summer when a truck ran into the Capitol, and they thought that that could have been a terrorist act.

In our -- In the Bay Area, we have a group called the Bay Area Terrorism Working Group. It's cosponsored by OES and the FBI. It's a forum for exchange of information that includes many of the people who are here, as well as John comes to our meetings. It's a way of making sure that we're all reading from the same script; we're all having the same basis for decision making.

And we cosponsored a table-top exercise with the Department of Health Services about a month ago; and we have frequent speakers, including last month Dr. Amy Smithson spoke on the terrorism, threats of bioterrorism.

We have been activated almost continuously since the 11th, not 24 hours a day, but certainly, we have been activated seven days a week. We have been up for 24-hour operations periodically as a threat

assessment that was received.

We have also done some ad hoc planning with Metropolitan Transportation Commission on looking at a bridge closure plan and how we would respond to an event that would basically paralyze transportation in the Bay Area.

The task ahead of us is to build a regionally based strategic capability.

With the funding from Nunn-Lugar, the funding went to the most populated cities. It went around the state. It went around any kind of regional coordinating function or the state mutual-aid system and provided resources directly to municipalities.

Part of the condition of those grants was that it was a city's resource, not a state resource, and it was not to leave a jurisdiction.

Our task, as I say, is to now build a system that supports the mutual-aid system, that gives us the regional capability to respond to any event, 'cause there's no certainty that the next event will be in San Jose or San Francisco and Oakland with the recipients of the grants.

The state plan, as I said, does mirror the federal plan. We feel that we're -- we will be fully integrated into a federal response when that does occur

and that we're moving forward. That is a very significant task. It's different from any other disaster preparedness effort that we have been involved in.

MR. NASTRI: Thank you, Rich.

I'd like to move on to the portion that I know we are all looking forward to, and that's hearing from you, hearing your comments, your thoughts, your suggestions, on where we may be doing things differently, how we may be able to improve things.

And starting off, I think we're very fortunate to have Mr. James Strock. Mr. Strock is a -- aside from being a good friend, is the former assistant administrator for enforcement for US EPA. He's former Cal. EPA secretary. He's now engaged in private practice, arbitration, authored several books. And so we're very fortunate to have Mr. Strock.

SPEECH PRESENTATION

BY MR. STROCK:

Thank you, Mr. Administrator and others here today, and would also thank you and commend you for bringing us all together in this way and also to say as a private citizen in Region 9 how fortunate we are to have you with all your personal experience in crisis management communications and planning.

I would like to briefly, if I might, propose five points for your consideration as you go through your exercise today.

The first is that the nature of this crisis is different than past crises we have all faced. As we know in the environmental health and safety field, crisis has been a leading cause for action, whether it's Donora, Pennsylvania, Los Angeles, London in the 1940s and the air area Love Canal in the '80s and so on.

But this is very different in that it is not only nonpredictable, as those were, but it is foreseeable. And we're all going to be held accountable in public and private life for how we prepare, how that preparedness turns out in the event; and none of us can do business as usual.

Second, there's great importance both not only from your perspective, as you've already discussed, but from private perspective in terms of how the state and federal role is delineated in this area.

The states are, of course, the primary actors in all disasters, generally speaking. And both the federal and local governments are ultimately creatures of the states.

That being said, this is a national crisis with local consequences. And the federal role is extremely

important in reviewing, assessing local and state programs, and providing accountability for people in the outside looking in and in giving overall confidence.

And to give one example, not to look at negative possibilities, but as you all are very well aware, in the New York catastrophe of September 11th, even combined with the Washington attack as well, the medical burden on the system was not nearly as great as it might have been had fatalities been fewer.

And there was also a tremendous hint of the overburdened system that could result from more simultaneous attacks at the same time, and those are entirely unprecedented in our history.

Third, from the outside perspective in private life, we need to know what to do. Many of us working with private companies and others are seeking your guidance on what is the appropriate way to prepare for these incidents in the future, how it affects our existing planning and regulatory requirements. We need help both with planning and with information.

And the bottom line for people in private life and in communities will be not so much just the good committees and action points that you -- committees you put together, but the action points we're given to pursue. We need specifics fast.

Fourth, I would urge at least that you consider that crisis communications and crisis management, sometimes separate as people discuss these things, are inextricably bound up as the same thing.

As you all know from the point of view of leaders who have to respond as well as from the public that has to be protected, the ability to have effective crisis management is totally bound up in the crisis communications, because the bottom line is trust, quick information, rapid action.

And to go with this first from communications separately, viewing communications solely as an afterthought, I think, would be a mistake; and I think we're very blessed to have a very strong NGO community that will press that point, many of whom are here today.

And fifth and finally on that score, one hopes that as a result of this today and other activities you all are taking, that we will all see that some of us who are on the different sides of the table at times that you brought together today were all on the same side of the table in this crisis.

The fact is, for environmental protection, becoming part of the security discussion could be a tremendous advantage if we do it well and can have effects far beyond this issue all the way to how we

discuss, for example, global issues, such as global warming.

On the other hand, if environmental protection is viewed practically speaking as a threat to security, it could endanger much of the progress we have already made in the environmental area. So we have reasons to be optimistic.

I can recall as one who was privileged to work in the drafting in 1985, '86, of the federal right-to-know law, much of which was based on California's example, that people came together with a very at the time unique unconventional approach that has had a real-life effect in communities across this country. And hopefully, beginning with this kind of process you're starting here today, we can follow that example, update it for the new world after 9/11.

MR. NASTRI: Thank you very much, Jim. I appreciate your thoughts.

Next speaker is Marguerite Young with the California -- she's a California director for the Clean Water Action.

SPEECH PRESENTATION

BY MS. YOUNG:

Good morning. Thank you for the opportunity to address this forum.

As he said -- you introduced, I'm Marguerite Young. I'm the California director of the Clean Water Action. We're a national organization founded in 1972 with members throughout the country, more than 20,000 members in California. Our mission is focused on the protection of water quality, from the watershed to the water tap. We interpret that mission somewhat broadly.

I'm going to talk about two areas that I think are of concern for our organization and our constituents. That's both chemical hazard reduction and drinking-water protection.

Hazards at our nations's chemical-using facilities have been with us long before 9/11. From many of the environmental movement, Bhopal was the signature wake-up call to recognize the damage that a catastrophic accident in a chemical facility could do and led to some changes in some legislation.

Accidental releases and planned accidents which place the public at risk are far more likely than a horrific terrorist attack and no less important to plan for and to be prepared for.

Fortunately, while all the potential's for our cause for concern, terrorist action being a wake-up call for a much larger segment of the public, both have

remedies in common.

This morning I was surprised not to hear any discussion about prevention and reduction in the use of hazardous chemicals and processes as preparedness for emergencies by reducing the capacity of terrorist act with damage to the community.

The Clean Air Act, Public Law 10640, with the Chemical Information and Security Act, had the beginnings of the strategic approach to manage these risks.

A bill currently under consideration in the United States Senate by Corzine of New Jersey would take a next important step looking at technology options analysis, looking for ways to substitute chemical use, to reduce hazardous chemical inventory on site, to incorporate inherently safe design standards, such as those promoted by Trevor Klutz [phonetic] and Nick Ashford at MIT.

We envision a four-step approach that puts an emphasis on prevention and follows and ends with much of what's been discussed this morning: the response in the event of an emergency, which, you know, bottom line, you can't avoid it all. So, as I said, reducing inventory of hazardous chemicals, changing production, substituting with less hazardous chemicals, and

incorporating safe design.

And then for those things that you can't design or change, control, developing mandatory uniform model safety and security standards for hazards that cannot be reduced or eliminated, that should include the extension of the risk management plans, currently authorized under the Clean Air Act, to include additional industries that may -- ha- -- use chemicals that are at a lower threshold that could be subject to a terrorist interest.

Mitigation is the next -- would be the next step in the -- in the chain, secondary containment, medication -- mitigation equipment, and improvement of site security falling into that category, and then buffer zones as the -- the last step, not the first step.

That involves -- All of this involves, I think, to be successful, in addition to whatever regulatory action or executive action needs to be -- needs to be taken, that facilities need to engage workers, fence-line communities and local emergency responders, those that are most in danger, to be an integral part of planning, the right to know about the hazards that communities face.

In the light of the terrorist attacks of 9/11, we've seen people want to know. That right to know

needs to be extended to right to act in order to help hold industry and regulators accountable for enforcement and implementation, but also to engage communities and workers as the important eyes and ears that they are in preventing terrorism from happening and preventing other criminal attacks.

Our nation's water supplies are also of concern to our organization. We work with some of the people that are up on the agenda. They over the years on our concerns about source water protection has a new ring to it these days; and clearly, efforts to protect our watersheds from contamination is important, important with regard to bioterrorism or chemical introduction of water contaminants.

We also need to look at the treatment plant, look for opportunities again to make chemical substitutions. Most plants in California have long switched from using chlorine gas, but many other parts of the country still use that in their treatment process. And that's one example, chemical processes for drinking-water treatment versus physical removal processes.

I think we also need to look at, you know, the hidden -- the distribution system is clearly of concern. The ability to put a, you know, pathogen into the

distribution system after the treatment plant certainly is an issue. I'm not an expert. Something that needs to be dealt with.

We need to think about what that means in terms of protection at the tap. As the last speaker said, what do we do in providing people with that advance information and education?

And I'd like to close by saying that I agree very much with the last speaker that environmental protection we have an opportunity to advance in the wake of this threat of terrorism, and thank you for your time today.

MR. NASTRI: Thank you, Marguerite.

The next speaker is Denny Larson.

And I just want to remind everyone -- everyone's been great so far. I just want to remind everyone that we'd like to try to limit the comments to five minutes. We have a large number of speakers, and we'd like to try to make sure that we hear from everybody today.

So Denny, thank you very much.

SPEECH PRESENTATION

BY MR. LARSON:

Good morning. My name is Denny Larson. For 17 years I worked with Communities for a Better

Environment, and just last month I left to start my own organization called the Global Community Monitor, which is going to build upon a lot of the work that I did with CBE and the work that I've been doing with fence-line communities.

I would agree with Mr. Strock that the crisis that we're facing today is a different crisis, but I would submit that the solutions are the same and that this is a time for all of the agencies involved to get back to basics.

The issue of site security is one that certainly has been of concern to fence-line communities and people working with them for years. But the focus on sort of the bells and the whistles and more guards and cement barriers does trouble us as well as the focus on solely emergency preparedness versus inherent safety and prevention.

It seems to me that -- and I think that from the remarks of Marguerite too -- that the prevention of terrorism dovetails quite well with the traditional work that we have been trying to do to prevent chemical accidents on a daily basis.

And I think the Blue Plains example where the wastewater treatment plant in the D.C. area got immediately into action of doing something to reduce

that risk, regardless of what sort of terrorist attack might take place, is a good one; that it's sort of shocking has not been repeated.

I think the focus solely on terrorism makes a very big mistake and will allow us to be blindsided once again in the same way that we were on September 11th.

I think that one of the big concerns of the environmental and fence-line communities is that our right to know is under attack.

The right-to-know laws, which have provided so much in the way of reduction of risk through voluntary measures, in some cases by industry, is under attack; and there doesn't seem to be a recognition that information is the currency of democracy, as our forefounders established a long time ago. So that needs to be protected.

There needs to be a recognition as well that in these fence-line communities around these facilities existing right now is a community health crisis, and it's very real.

When we look at the reduction of these massive amounts of chemicals that are stored on site as a prevention of terrorism and as an accident prevention risk, it's a very major area that we need to focus on because we still have massive amounts of these

potentially deadly chemicals stored right next to residential neighborhoods.

I want to show a slide here. There on the right axis. This is a slide of Richmond, California, just across the bay; and you can see the Chevron facility there, and it is surrounded by thousands of residential homes and neighborhoods. This situation still exists today, and we have massive amounts of toxic chemicals stored directly adjacent to those communities. So reduction of those amounts is critical.

The implementation of inherent safety, as Marguerite mentioned, is absolutely critical at existing and new facilities. But one of the major problems that we face is that inherent safety reviews are often thought to be something you cannot do at an existing facility. We're always told, "Well, the best time to do that is in a new facility."

But the fact is: This refinery is 100 years old. And we have a series of hundred-year-old facilities throughout California and facilities throughout the nation which are that old or 40 or 50 years old. So we don't -- we are writing off the opportunity to reduce the threat of terrorism and accidents by just focusing on those new facilities rather than the existing facilities.

As some of you might know, right now we have expanded right-to-know and accident prevention laws in Contra Costa County by going beyond the list of acutely hazardous materials as far as what is covered by accident prevention and included both hazard A and B chemicals, which essentially means that every process, every tank, every pipeline, everything within that facility and potentially many other facilities that are not covered by accident release programs, federal or state level, are now required to do accident prevention program.

But we're still caught in the bind of only having the ability to recommend in job-owned industry to reduce those risks, and that has created a serious problem. And the county's continuing to debate whether they should have the authority to require an inherently safer system or a safer system that's been studied and not put in place by the companies.

I want to show another slide here because despite the -- this regulation --

Actually, not that one yet. I'll get to that one.

Despite this regulation and the state and federal programs, we've had an increase in chemical accidents over the last two years in our county. And as

you can see -- and this is a study that I did with CBE -- there are certain units within the facilities that continually break down, explode, and cause toxic releases; and this is not being dealt with.

So the issue of how do we get to inherently safer systems and what is the government's authority to require that versus our current system state, federally and locally of just re- -- of recommending that is a real concern.

I wanted to show for historical purposes too one of the first fact sheets that we did on chemical accident risks in 1986, which asks the question "Could Bhopal happen in Contra Costa County?" and which was widely ridiculed by state, federal, and county agencies as something that was a scare tactic on the part of environmentalists.

About seven years later, General Chemical facility in Richmond adjacent to the Chevron facility had a rail car explosion with a 10-mile-long cloud of toxic gases. Twenty-five thousand people went to the hospital. And citizens that lived nearby the facility, low-income people of color neighborhoods, were gathered into parking lots. They were stripped naked. They were washed down by firemen and transported to hospitals outside of the region. After they received treatment,

they were left there with -- to fend for themselves to get home.

So emergency response is important, but I think fence-line communties have a great deal of questions as to whether today in 2001 after 9/11 if we had a release like this if communities who are impacted by these facilities would still be treated this way.

I know no differently. I don't know that they would be treated any differently or we have anything in place to prevent this kind of accident from happening or this type of emergency response and human degradation from occurring again.

Finally, I'd just like to ask the question about why can't the resources and attention that have been focused on terrorism since 9/11 be focused on the global issue of accident prevention in these communities? And hopefully, it will be, because it needs to be.

Thank you very much for your time.

MR. NASTRI: Thanks, Denny.

The next speaker is Darrel Gerlaugh. Darrel is with the Regional Tribal Operations Committee.

SPEECH PRESENTATION

BY MR. GERLAUGH:

Good morning. Thank you, Mr. Nastri, members

of the panel, members of the audience.

I would also like to introduce Kesner Flores, who is also a colleague with RTOC. I ask if he could come up also and speak. I will just take a couple of minutes.

Currently RTOC consists of over 140 tribes, and the tribes range from not having any plans at all to having extensive plans. So as a result of that, we need more training; the tribes need training. Of course, with training we need funding. We need more people.

What's going to happen if we do have a prolonged attack or emergency? What happens to the day-to-day operations? That -- you know, we need somebody to fill in for that.

The other point I wanted to make was through IHS. And as you know in the past when we had, like, smallpox outbreak, many of the people died; and what do we need to do to protect ourselves? We need fact sheets on that.

And with that, I'll tur- -- turn it over to Kesner.

SPEECH PRESENTATION

BY MR. FLORES:

I think Darrel brings up some -- some interesting points. My name is Kesner Flores. I'm with

the Cortina Indian Ranch; but as a Regional Tribal Operations representative, I have to speak from the overall.

Currently there's a lot of tribes that participate at local levels with the ICS system, especially in the state of California as well as in the other states. I think they need to be inventoried, and those types of special teams that are available can be used during certain incidents that need to be assessed to actually can augment systems locally.

As far as FEMA, tribes actually have some of the same abilities as the governors of states as far as accessing those types of relief systems that are in place.

And I think we need to remember that sometimes the way that we practice is the way that we actually do things when it comes down to critical incidents as well as the military and ICS and the people that actually respond to these know, and that's why we do it through repetition. So if we constantly leave tribes out of the loop, then we also leave out the trust responsibility that the federal agencies have.

I know that -- I hear them always talking of states and local governments and never hear a breath of tribe; and really, that really leaves out your trust

responsibility when you took these offices.

So I think you need to really rethink of how these things work, because tribes are very important as far as some of the -- in the local communities as -- can be an asset, and I think we need to really look across the board to see what the availability and how these things are going to work.

So -- and I think they have the same concerns with toxics and storage and other things, and you're going to have the full range of -- as the public. But they are not the public. So we need to keep that constantly in mind.

MR. NASTRI: Thank you, Kesner.

Next speaker is Sheriff Don Horsley with the San Mateo County.

SPEECH PRESENTATION

BY MR. HORSLEY:

Good morning. Thanks for the opportunity to speak. I am Sheriff Don Horsley from San Mateo County. The county's a little bit south of San Francisco. We have about a 720,000 population, and my office is responsible for the Office of Emergency Services, and we coordinate planning for 20 cities, and there are 24 police agencies and 16 fire agencies. So it's kind of a busy job.

We do practice the SEMS, or -- that's Standardized Emergency Management System -- and the Incident Command System; and I thought of a different presentation than the other speakers, and I could give you an idea of how local government agencies are preparing and planning for and what kind of a capacity that we have in terms of local government.

First on our hospital capacity, we really do not have a trauma center in San Mateo County. We rely on Stanford and Palo Alto and S.F. General in San Francisco. We do have a public hospital in San Mateo General, just a state-of-the-art hospital just recently built. And there are a couple of semipublic hospitals, Sequoia and Mills-Peninsula.

But as you know, the public health system really is grossly underfunded. In fact, we only have two public health doctors in our county.

We recently dusted off our plan to deal with smallpox, but we've never really involved other medical providers, other medical facilities, that we are planning on doing that now. We need some additional training, make sure that that plan is familiar to all of our medical providers as well as the hospitals.

We have received some grants from the federal government over the past couple of years for HAZMAT

equipment. We have received about 400,000. Most of that has been used for things like decontamination tents and increasing our HAZMAT capacity, our HAZMAT team in the county, which is 27 firefighters and 4 technicians.

So we have things like decontamination tents and other kinds of equipment that we think would enable us to respond.

But if there were a major emergency, I think the amount of equipment that we have is -- and number of people that we have in our HAZMAT team is probably inadequate. In fact, only one of our police agencies has breathing apparatus for officers, and that's in San Bruno.

We do have a number of potential sites in San Mateo County that could be terrorist attacks, for example, the BART stations in Colma and Daly City; and there's a new one in Millbrae as well as S.F. International. A lot of people think that's in San Francisco. In fact, it is not. It's San Mateo County.

We estimate that just for the sheriff's office alone that we will be spending about 175,000 this year just for things like Tyvek suits, auto-injector kits in case of a chemical attack, breathing apparatus. And, of course, there's a lot of dollars spent in terms of medical exams and OSHA training.

We do plan on sending all of our first responders in the county to specialized training, and we are working with a group called Industrial Emergency Council in San Carlos.

We did discover that in our county narcotics task force, we do have some additional capacity. Unfortunately because of two-thirds of the county is open space, we do find ourselves the site for methamphetamine labs; and because those are toxic sites, we have had to train our officers to be able to respond to those kinds of hazardous sites; and we do have specialized equipment, but it's only a couple of people.

In the county we have also -- we do have the urban search and rescue team that's headquartered in Menlo Park. The finest in equipment. In fact, they went to New York and went to other tragic terrorist sites as well over the past few years.

We've developed procedures for handling anthrax with our environmental health services.

And I would say that our major needs for both our agencies and all of the police and fire agencies in San Mateo County is really assistance in terms of training. I can't emphasize that we need more training, and we need to have more exercises; that there is no substitute for exercises for planning, planning and

actually practicing those plans.

Thanks again for the opportunity to speak.

MR. NASTRI: Thank you, Sheriff.

The next speaker is Mr. Lyman Schaffer with Pacific Gas & Electric.

SPEECH PRESENTATION

BY MR. SCHAFFER:

Well, I didn't realize I was going to be a speaker when I came here, so I probably will not have prepared remarks, which may be refreshing for the audience.

Actually, I'd like to echo a lot of what folks have said. I mean, we take this threat very seriously. We have had an ongoing security program for many, many years. We took certainly steps from September 11th. We continue those every day.

I think from a perspective of the federal government, I would offer a couple of variations to think about. One, I think, is: Threat-con procedure that the FBI agent spoke about clearly needs to be refined and -- and streamlined. We get those. I probably get six a day and that's okay. I'd rather get six than none.

So I think the more that we can standardize that and understand what that means -- and we have done

that, by the way, in both electric and gas industries, standardized threat-con conditions and what the industry is expected to do.

At the same time, I think it's very confusing for us to deal with multiple federal agencies in the middle of an emergency. And so I was pleased to hear FEMA saying they're going to take the lead in the consequence piece, because I need you to go back to Washington and explain that to a few other agencies. That would be very helpful.

And then contrarily, I certainly don't disagree with this concept of right to know, but let me give you an example where I think it needs to be thought through more thoroughly.

On September 10th of this year, I met with a state agency that took all of our engineering analyses on our electric side and put them on a public Web site. If you just simply go through it, it would tell you not only how to do it, but where to do it if you really wanted to do a maximum damage to the electric system. It was done under the concept that certain marketing people needed to have that information.

When we asked about it, there were only, like, five or six people; but that was basically going to Web sites, and people were inquiring about data all over the

world, including the Middle East.

So I think it's important that the public knows, but I think it's also important that it be balanced against tactical information that can be used that really has a limited value in the public sector; and that's a tough challenge, and so I leave that to you to figure that one out. Thank you.

MR. NASTRI: Thank you.

Next speaker is Bill Mattos, California Poultry Federation.

SPEECH PRESENTATION

BY MR. MATTOS:

Good morning. My name is Bill Mattos. I'm president of the California Poultry Federation. Pleasure to be here today and to talk with you briefly about what we do. I wanted to come up here. I haven't been up here since the new Administration is here, so I wanted to meet some of you and let you know about what we're doing in the poultry industry.

You know, biosecurity is a -- is a big deal to us. And so when this whole bioterrorism issue came out, we were already somewhat ahead of the game because we do a lot of things to prevent the introduction of foreign animal diseases or any other diseases into our poultry facilities.

The documents I'm handing you out today basically tells you a little bit about what our growers and ranchers are taught and how they have to be certified in biosecurity as part of the quality assurance plan, which we administrate with the California Department of Food and Agriculture, Department of Health Services.

We also have a crisis management plan that we have in place with OES, FEMA, and all the groups in California in case there is an introduction of foreign animal disease. And this has been going on for a lot of years.

But one -- if you look at two of the definitions by two different veterinarians who talked to our people, in the "broadest sense biosecurity is safeguarding life"; and the other veterinarian says: "Biosecurity has been defined as safety from transmissible infectious diseases, parasites, and pests. It involves all measures to prevent agents from entering, surviving, infecting, or endangering a flock."

So you can't get into one of our facilities in California, which are all family owned, by the way, unless you are completely covered in coveralls, rubber boots, hairnets, goggles, and you're disinfected before you go on the ranch. Some of the facilities require you

to take a shower before you go on the ranch; and before they let you leave, you have to take another shower.

That's how technical growing poultry is in California primarily because of the introduction of diseases into the flocks.

And we welcome you, especially the new people at EPA here, to take some time to give our office a call, and we'd love to show you what happens on a facility now.

Most of our facilities in California are tunnel ventilated, which means there are very large barns. The chickens and turkeys run loose, and the temperature never fluctuates from 76 to 79 degrees. It's a water-cooling system, and the animals are always in that temperature range.

So environment is a big deal to our industry, and that's one of the reasons why we enjoy these coalitions, because we form coalitions with all of your agencies, including all of the agencies in California.

Cal. EPA works very close with us, and so they are the ones who do a lot of our seminar work on biosecurity and quality assurance programs that you'll see in those documents. I have some other documents, the same ones I'll put on the table back here. I only have about 40. So if anybody else wants any, we surely

could supply them to you.

I wanted to make a list of the biosecurity areas that we have to be aware of in the poultry industry, and one is feed ingredient acquisition and transportation systems, the feed production and transportation systems, the breeder and genetic maintenance systems, h- -- hatching and chit transportation systems, the grow-out systems, processing-plant systems, and finished-product transportation warehousing.

This works fairly well in California because most of our companies are integrated companies, which means they own everything from the farm to the processing facility.

We have everywhere from Foster Farms, which is the largest grower in the west, still owned by one family, to someone like Diestel Farms voted by the SAN FRANCISCO CHRONICLE the best turkey in America last year; and they do a range-fed turkey in the Sonora area.

And there's Willie Bird turkeys that sell their turkeys in the Williams-Sonoma magazine for about a hundred dollars each and sells about 3,000 of them a year. You can also buy those turkeys in Modesto for about $40. But -- So if you're interested . . .

You're going to hear from Dr. Breitmeyer later,

who's a state veterinarian. He is probably one of the most renowned food safety experts in the field who has developed plans that most of the other poultry industries look at in America. He advises the Secretary of Agriculture. And hopefully, if you have any specific questions, you can talk to him about that.

Finally, what EPA can assist us with is continue to support our voluntary programs that we have in place. Ninety-five percent of our industry is certified in quality assurance and biosecurity.

We also -- we welcome you to come and see what we do if you're interested in that and call our office if you have any further questions. Thank you.

MR. NASTRI: Thank you very much.

Our next speaker is John Allen with the Union Pacific Railroad.

SPEECH PRESENTATION

BY MR. ALLEN:

Good morning. I'd like to thank you for this opportunity to be able to address you and communicate with you folks.

I want to let you know a little bit of what we have done on the railroad and we're continuing to do. Okay.

The members of the rail industry, both

separately and in concert, reacted immediately to the events of September 11th. Okay.

Some of those immediate things, in particular in the Union Pacific where we immediately did security checks and facility checks of all our track and infrastructure, bridges, equipment, those types of things. We adjusted our train operations accordingly, literally brought the railroad to a standstill, standstill, and then literally started to back up as we cleared things to be able to move.

One of the other things we -- excuse me. One of the other things we did was: We have a large Internet system and Web site that we use. Information and access about movements of materials in cargo was greatly reduced.

We also began notifying employees about what security procedures we were putting in place, and we maintained contact with them.

On a -- on a -- on a plus note, the employees wanted to do something to help out the people in New York and that type of stuff, so we established a fund. I think we ended up contributing over $500,000 to that fund; and basically, that started up after about three days.

The other thing we did was: We made provisions

for the reservists and National Guard and those folks so they were still able to get their pay and the benefits when they were at -- they became activated and those types of things.

Particularly, we tightened personal security and intensifed inspections all over the railroad. We set up 24-hour command centers, which were linked to the federal national security agencies, Department of Transportation, and the military. We selected critical infrastructure security, targets that we felt needed to be increased, and we did that.

We restricted certain information, again, like I said, on the -- via the Web Section and access flow of information involving movements of commodities on the railroad.

We also increased our surveillance to certain sensitive shipments, and we continued our Office of Emergency Response Training to local EMRs and those types of things.

As a direct result of that, we had a lot of systems in place. And I want you to know the natural threat is not over, but the railroad has not seen or had a credible threat as of today.

Our industry is vital to the national offense and commerce. The rail industry is following a

structured process or focuses on risk assessment in closing those gaps. Every employee is involved through increased vigilance and reporting of situations going along for that type of stuff.

Right after 9/11 the railroad chiefs of police nationally met -- I believe it was on Thursday after 9/11 -- in Memphis and developed a program that they wanted to give to the railroads and to advise the American Association of Railroads, which would become an umbrella organization for shifting out information and keep critical contacts between the Department of Transportation and the Department of Justice and other stakeholders and that type of thing.

They created five critical action teams, and each one of these action teams is headed up by an executive from the railroad's VPO or above. Okay.

One of those teams is the informational technologies and control systems. Okay. They are responsible for the data, the telecom and the control systems and the physical cyber risk; and they are analyzing stuff on a continual basis.

The physical infracture. As you know, we're part of the military strategic plan for the defense of the country and those types of things. And so we're analyzing and continue to analyze the strategic routes

and the availability to keep those things open and keep them moving.

One of the other action teams is operational security, train life cycles, event analysis for risk, how we're moving stuff, when we're moving it, what the threat level is of the risk, and whether we should be moving it through a particular territory or whatever.

The other critical action team is hazardous materials, monitoring sensitive materials, what's the availability, where is it at, what equipment is being used, and how we are moving it, and then, obviously, the military liaisons to be able to handle those types of things for, you know, rapid deployment of our military infracture. Okay. So that's one of the things that came off of that.

One of the other things we did was: We established a formula to assess risk, okay. Basically, what that is, just in a nutshell, is impact versus vulnerability versus a threat potential.

Impact would be: What is it going to do to our rail operations? Vulnerability being how hard is it to gain access to the target? And then the threat potential, how likely of a target is this?

The result is a prioritized list of assets requiring protection. Our countermeasures are

proportional to the alert level that's been established, okay, and that's one of the things that we wanted to do. Okay. So we have developed countermeasures, the chief being intelligence.

Our relationship with government is essential, all aspects of government, depending on what the threat potential is, the information we have available, and how we can react to it.

The awareness of our employees is the number-two critical step in that process. We're constantly educating them, asking them to report, responding to what they're reporting, and doing those kinds of things and making sure that they are conforming to the necessary procedures to operate the railroad.

Okay. Engagement. Engagement. Increased visibility, professional assessment and response to whatever is going on and also hardening of the facilities to feet-known pathways into a particular facility.

Okay. And then technology, remote monitoring and detection to be able to do those kinds of things.

It's the object of the railroad to make ourselves the most unattractive target as possible. We are going to accomplish that through vigilance, professionalism, and resolve.

And basically, that's what we have done. We continue to do that, working with all those various agencies; and we move forward. And we appreciate this opportunity to share that information with you and hope our relationship continues. Thank you.

MR. NASTRI: Thank you, John.

The next speaker is Jack Jacobs with the EMA, Inc.

SPEECH PRESENTATION

BY MR. JACOBS:

Thank you.

Yes, I'm Jack Jacobs. I'm with the EMA, Inc., and would like to make some comments specifically around the water/wastewater industry.

My little bit of background is over 30 years of experience in this business. I want to present a little bit about what I've seen, the work I've done, and some suggestions, which I hope will be useful to EPA and others.

Again, thanks for pulling this together. I don't think there's enough of this going on in our country today; and more forums like this, I think, are important and must collect more about what we can do and should do.

And my background, our company has been working

with water and wastewater utilities across North America for the last 25 years, and I have some written comments I've left with you.

Our focus has been assisting these utilities and getting more efficient and more effective, meeting regulations and doing so in a cost-effective way using what have been identified as best strategies.

And what's important is: We look not just at the practices that they do or the technologies that they do, but the organization, the behaviors, the tools, the training and capabilities of the individuals working there.

Working together with those three aspects of organization, practice and technology is an important part of what -- what is needed to focus on change, to accomplish a certain task. And in the past it has been to meet your regulations, state regulations, and provide economical services to their customers, but these are changing.

My personal experience has been in the public sector, working, as I say, over 30 years in two of the largest utilities in California, both in the north and the southern part of California.

In my career I've been responsible for providing services for the public needs during and

following major disasters. My experience, I think, is somewhat unique in the United States. I don't believe there's a lot of people that I've run into that have had to live through a disaster, provide continuous service, and protect the safety of the customers.

In my experiences I have learned to respect what one has to deal with: planning, preparing, and responding to a disaster. And as I've looked beyond in my additional work, I do not find a lot of utilities leaders have this kind of responsibility and have this kind of accountability charged to them.

I have also been responsible for developing contingency plans worldwide, preparing water/wastewater utilities and specifically now working in Arizona and California to assist utilities in auditing their level of preparedness.

So some of my comments are around that, are my concerns.

So this background has provided me with an in-depth understanding of the issues and concerns. I won't go into those in extensive detail today. I think many of those need to be kept confidential and not in a public forum as this. I do need to be provided and have been exchanged in some other forums.

Everyone is going to be moving to a new

standard of performance in their utilities to deal with listening to responding to information, making decisions, and making investments in their utility.

The concerns I've identified are two. The first concern I have is -- regards the fact that we do have many of the leaders across the country in this area who have not had to live through a major disaster, who do not have the level of understanding that is needed to define in detail the kind of scenarios that we're facing and information decisions they need to make. And that, as such, is good news; they have not had to live through that.

But the bad news is that they need some additional guidance in preparing for making the decisions that they need to. They don't have a reference point about where -- where they should -- where they should make improvements in their facilities, where they should change the practices of their employees, and where they should reset the inners for behaviors and attitudes within -- within their employees.

And, of course, the key issue there is that they must balance risk and money. They have limited funds is all. Where do they spend that money to make that investment valuable to them and to deal with

realistic scenarios and threats that they might face?

Certainly, they have understanding; and, of course, from September 11th we all have more understanding about the kinds of terrorists and events that could occur.

But the questions start emerging. What should they do? When should they do it?

They are making decisions now on major capital investments. Are those capital investments the right capital investments? Do they include the right design features?

Certainly, they have focused on how to meet new regulations. But have they any specific criteria on how those facilities or improvements will reduce or enhance their ability to deal with terrorists?

They are also investing in technology. There's a lot of technologies that will help us here. But are those technologies ready to deal with monitoring and responding to terrorist issues?

And what specific decisions should they be making regarding applications of security systems and staff? My observation is: Everybody's hiring security guards. But what are they doing with that information? And how effective are those guards in really improving their management of risk both to their assets, to their

employees, and their customers?

So my first concern is around that decision-making ability and knowledge of our leaders and our industry.

Second concern is: How will we design and implement changes that come out of what now is identified as a major assessment process that will be done across the country of all water and wastewater utilities?

That assessment will provide a great deal of information, and we need to move forward with that. But what do we do with that information? What standard of performance should we set for utiltiies in making decisions about that?

And the assessment process, of course, is just the beginning. How will these assessments be received? What are you going to do with that information? What's the public going to see out of that information? What possible funding will be needed to support the use of that information? How will the industry and regulators use these assessments to change the way the industry does its business?

Who will set the standards, and how will they be applied? You've got a lot of agencies who are playing a role, but who will be able to bring them

together to decide this is the level that's acceptable?

My concern is still around this industrial leader -- industry leadership, and we must not leave them without adequate training, experience, and standards.

This is really a significant paradigm shift for all utility leaderships. So they have to think not only of how they made their decisions in their past history, but how they are going to make them in the future. It's tied up both in utility planners, designers, operators, or maintainers as well as the regulators as a partnership and finally a balance with the customers.

My recommendations from these concerns, I really think the process of assessment should include an aspect of analyzing the results, setting some expectation of what you expect to get from those assessments, and consistently, monthly feedback: Here's what we're learning, and here is what actions we should take as result.

Improving the assessment process, improving our ability and the industry to make improvements, and use that data so that by a year from now, we'll all have the capabilities of implementing a change program in our utilities to improve our effectiveness and protection of our systems.

Those are my comments. Thank you.

MR. NASTRI: Thank you.

We may take a five-minute break in order to change the paper on our transponder [sic].

But our next speaker is going to be Nancy Okasaki. If Nancy could come to the podium.

(Recess 10:55 a.m. to 11 a.m.)

MR. NASTRI: As I mentioned earlier, Nancy Okasaki with the Metropolitan Transportation Commission is our next speaker.

Nancy?

SPEECH PRESENTATION

BY MS. OKASAKI:

Good morning. Transportation continuing to be the number-one issue in the Bay Area, I thought it appropriate that you hear from the transportation community.

The Metropolitan Transportation Commission, also known as MTC, is a transportation planning, financing and coordinating agency for the San Francisco Bay Area.

As the region's metropolitan planning organization, MTC is responsible for the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport,

railroad, bicycle and pedestrian facilities.

The Commission oversees the efficiency and effectiveness of the region's transportation system, knowing that a safe, secure system is crucial to the region's economic vitality, and any threat to this intricate system can result in serious financial losses for the area. It is in this context that the Commission and its partners developed the Trans Response Plan.

In partnership with the Bay Area transportation agencies, the State Office of Emergency Services, the California Department of Transportation, the US Department of Transportation, and the Federal Emergency Management Agency, the Trans Response Plan sets out a framework for a comprehensive and timely response by San Francisco transportation providers to any major earthquake or significant disruption to the transportation system in the region.

The plan outlines the functions, responsibilities, and procedures for developing and implementing a multimodal response to disasters. The plan calls for MTC to undertake the regional transportation clearinghouse function in order to maintain updated information on the transportation network for all nine counties throughout the course of an emergency.

This regional transportation status information can then be distributed regularly to transit agencies, State OES, to news media and other public access venues so the traveling public can be informed as new events occur and situations change.

By compiling a centralized comprehensive assessment of the availability of the transportation network, OES and FEMA actions to move resources can be coordinated with the region's priority.

While the plan was designed for major earthquake scenario, it can be adapted to improving general transportation security. Transit security and emergency response logically interact when managing the consequences of a hazard -- chemical, biological, nuclear/radiological, and explosive -- a crime scene, or a stated threat to deploy a device.

While specific events may vary, the emergency response and the information-sharing protocol followed remain consistent. Transit personnel will provide the initial assessment of scene surveillance of a hazard caused by an act of terrorism and contact the appropriate first responder. Security staff will protect the premises and notify the appropriate first responder, which can include law enforcement, health and medical personnel, as well as intelligence organizations

like the FBI.

Regardless of the required responding entity, reliable and redundant communications are necessary in order to maximize the effectiveness of the Trans Response Plan.

Whether the response is to conduct massive evacuations or to develop mobility plans to move needed resources around the Bay Area, MTC and the supporting transportation agencies must quickly and accurately exchange information to stay informed of the situation as it changes.

Radio communications from the field to dispatch centers and phone communications between transit agencies and MTC and to state and federal agencies must be reliable in order for any coordination to occur.

MTC and the transit agencies continually test their current communications systems through monthly radio tests and annual functional exercises.

Risk assessment can be difficult, especially in open environments, such as public transit systems. Depending on the nature of the hazard, the detection and the correct identification of the agent and the immediate response needed requires equipment and expertise from outside agencies.

The proper response, whether to isolate versus

evacuate a scene, requires understanding and coordination among the multiple responders. By integrating the State's Standardized Emergency Management System into the Trans Response Plan protocols, the appropriate public health response occurs, and MTC and the transportation agencies can then direct the traveling public on a safe course.

Again, through our annual exercises, we are able to put SEMS into practice while testing our emergency plans. And as the Office of Emergency Services reported earlier, and as the San Mateo County Sheriffs reported earlier, exercises are important because they help you practice the drills and practice your emergency plans. Thank you.

MR. NASTRI: Thank you, Nancy.

The next speaker is Larry Kamer with Kamer Consulting Group.

SPEECH PRESENTATION

BY MR. KAMER:

Thank you. Thank you very much. And thanks to you, Mr. Nastri, for pulling this meeting together today.

By way of background, for the last 20 years or so, I have worked with a number of companies, agencies, in transit -- transportation and public safety in the

areas of risk and crisis management and specifically with large oil chemical companies and airlines in preparation exercises and drills. It's the theme I want to talk about in just a moment.

What I want to do today is set forth a couple of observations and challenges, really, in the brief time that I have for my remarks.

The overriding challenge, I think, that all of us are facing is that we have to forget much of what we assumed about risk before September 11th, what our various stakeholders believe is tolerable risk, how we have to plan for risk, how we have to communicate risk. This subject is a bit of a moving target right now, as is the subject of public opinion.

Interestingly enough, a majority of Americans right now seem to have a great deal of confidence in the ability of this government to respond to a terror attack, and Americans' fears about a terror attack are actually diminishing since September the 11th.

Since September the 11th, industries and federal regulatory agencies have been in a scramble to address a risk that has literally no precedent in this country, that is, the deliberate release in a criminal fashion of large quantities of chemicals from what one expert estimates as 800,000 sites that can be viewed as

targets.

By the EPA's own estimates in a WASHINGTON POST story published just yesterday, there are 120 separate sites in this country that each have the power to harm over a million people were their chemical stocks released into the environment.

Now, traditional risk management, as we know it, would say the taxpayer money would be better spent mitigating the damage from lightening strikes, which happen several thousand times a year, have a track record in measurable damage. But I think all of us recognize that there won't soon be a national consensus building on the issue of lightening strikes.

My challenge to industry is to develop stakeholder communications programs before you're regulated into doing so.

Like the RMP program, which other speakers have talked about this morning, the Oil Pollution Act of the 1990, the Passenger Safety Act in the airline industry, Congress has shown a willingness to regulate the communications practices of industry while it imposes new operational and reporting standards and, indeed, the Corzine bill, which is -- previous speaker referred to, also contains new communication standards around the area of criminal releases.

My belief is that Congress will not need a Bhopal or a Valdez as a justification for doing this, that September 11th was enough.

If you'll pardon the pun, I think we have to recognize now that the drill has become an increasingly important tool in the crisis toolbox.

Preparedness training is a job that can no longer be handled by government agencies alone. It is up to EPA and the state organizations to define in the public mind where it has lead responsibilities in this area of criminal releases.

Working with the organizations represented here, I believe EPA can establish a leadership role in this area of crisis planning, in education and best practices, and in simulations. In other words, test, drill, test, drill, test, drill.

This is especially true, as a couple of previous speakers have -- have alluded, that in the area of public communications, trying to handle crisis response without planning for crisis communications, that is like trying to take a hot pot out of the oven with one glove on. They really are -- They really do go hand in hand.

And the public and the media now make very rapid judgments on our success based on our ability to

communicate rapidly.

The more interagency these drills, the better; the more realistic, the better; the more political, the better, because this is exactly what's going to happen when the real thing hits.

I'll say one other thing, and that is, we have heard a lot today about plans. We've seen a lot of diagrams, talking about agencies and their planning processes.

But I will say flat-out that plans without drills that test them are worthless; that these plans, if they sit on a shelf, are essential -- they represent essentially expensive coffee table books that the taxpayers have paid for if agencies do them. Then the shareholders have paid for it if companies do them.

It may involve doing things a bit differently, trying new things. But as the ancient Chinese proverb says, "In crisis is cleverness born." I think we owe it to the people we all report back to to develop a measure of cleverness in leading and reassuring an understandably nervous public.

Thank you very much.

MR. NASTRI: Thanks, Larry.

The next speaker is Vic Weisser from the California Council on Environment and Economic Balance.

I hope I got that right.

SPEECH PRESENTATION

BY MR. WEISSER:

You got it right quicker than I did when I first joined.

I am Vic Weisser with CCEEB, the California Council for Environmental and Economic Balance. It's a coalition of business organized labor and public members that was established by the late great former governor, Pat Brown, in 1973.

I -- Before I get into my remarks, I have to mention a phone call that I made during the break, and I got my godson on the phone. He asked me, "Dad, where are you?"

And I said, "I'm at this antiterrorism conference."

He said, "Ooh, I didn't know you were an antiterrorism expert."

I will tell you something I didn't tell him. I am the terrorism antiexpert. I know very little about the issues that you and the people in the audience are confronting in a direct fashion. However, I am a bit of a student of government, and it's toward that that I will kind of direct my remarks.

As you've heard, it's no longer business as

usual. Every business among my membership that I've spoken to has ramped up their planning and their protection activities against the new types of threats that we all are facing.

And these threats are real. Does anyone around here think we will not be hit? Can we relax now? No. It's real. It's been real around the world. It's now real in this country.

EPA's principal role, I believe, should be one that uses your expertise in support of the locally placed planners and responders at all levels of government and in the private sector.

Your expertise in detection and characterization, communication, and remediation is an invaluable commodity; and seeing that it's shared up front in planning and ready to go into action in support of responses to the incident or attack is what this conference is about and what numerous other meetings, public and private, throughout this country are all about.

Our approach to these new types of threats, I think, has to be balanced. We have to pre- -- you know, prepare for these. We have to be driven to preparation, but we must be sure that we're not driven to panic. We have to rely upon one another, and we can't afford

people engaging in turf battles.

And I was pleased to hear that things seemed to be shaping up now, so folks are aware of who's in the lead at which stage of which type of incident.

And lastly, we have to be resolute and yet flexible in terms of our preparation and our planning and our reaction. I think the comments made by Mr. Kamer, who preceded me, are right on. Preparation without testing is a hollow shell and will not be effective, and we need to invest resources into planning.

With that, I'm going to conclude my remarks and only say thank you for pulling this group together. Thank you for the efforts that I know are going to be coming from each and every one of you in follow-up where details can be worked out, arguments can be resolved, and actions can be planned. Thank you very much.

MR. NASTRI: Thank you.

Next speaker is Mike Barr with the California Environmental Dialogue.

SPEECH PRESENTATION

BY MR. BARR:

Thank you, Mr. Administrator and other members of the panel. My name is Michael Barr. I'm a partner with the Pillsbury Winthrop Law Firm in San Francisco

and throughout the country. We were formed this year from a merger of Pillsbury, Madison & Sutro in San Francisco and Winthrop Stimson in New York.

Winthrop Stimson was named after -- partly after Henry L. Stimson, the great Secretary of War during World War II, had to deal with our last national crisis like this, and he's also on -- his name -- he's also the namesake of the Henry Stimson Center on Security, which is a great national resource on these issues.

Emergency preparedness and public safety are, again, among the highest priorities for our firm and our clients. Our New York office is located only a few blocks away from Ground Zero, so many of us personally witnessed and still experience the tragedy of terrorism.

As long-time members of the California Council on Environmental and Economic Balance and as legal advisers to Vic's members on this and many other issues, we have given the highest priority to these concerns since September 11th.

Our activities have so far fallen into three main areas. Regarding the availability of information, we have surveyed in some depth various on-line printed agency and other sources of information concerning environmental resources, food and water supplies, and

essential facilities.

We've usually found what our clients and we expected; but in a few cases, we found the unexpected. One thing we did not expect but were pleased to find was that many of the local agencies had before September 11th and have had since September 11th adopted measures which should protect the most sensitive information from falling into the wrong hands.

Secondly, we have also advised companies concerning steps they can immediately take to increase the protection of resources, supplies, and facilities. In some cases we were able to identify steps taken by companies that have had to worry about security risks for a long time and simply share them with other companies and industries that have never had to worry about those concerns, and there are a lot of industries that have never worried about those concerns and are looking for answers that we have already developed.

The third group of our activities included informing companies about the local, regional, state, and federal agencies involved with protecting resources and supplies and facilities.

In one well-reported case, we were able to provide one of our clients that was an early victim of the anthrax contamination with multiple EPA contacts to

the highest levels leading really literally within a matter of hours to a major on-site EPA response.

Now, you're asking today about the "major concerns and problems" that should be addressed in this area. In our experience so far, our concerns relate to difficult information issues.

For example, how can the public's right to know be weighed properly against the possibility of disclosing information that might be used against the public's environmental resources, the public's water and food supplies, and public and private essential facilities?

The US Congress addressed part of this issue in the Chemical Safety Information Site Security and Fuels Regulatory Act a couple years ago. It addressed public access to off-site consequence analysis information.

In August 2000 DOJ and EPA regulations under that act established the secure reading-room system and discussed other possible security measures. EPA's August 2001 fact sheet on how local emergency planning committees can incorporate counterterrorism measures into their plans is a helpful next step.

And as one of the members of the Stimson Center recently testified before Congress, local citizens should know about the facilities and their myths, but

that information should be maintained and dispersed in a controlled setting, such as the local emergency planning commission.

EPA should go further now, though, to address how information about preventative measures can be disseminated without compromising those measures. EPA has premiered pollution prevention and is collecting information about it for a decade or longer. Companies also have developed a great deal of experience and about pollution prevention as it works in practice.

This information could provide many facilities with simple, but effective, tools, such as vapor collection and reuse, that could prevent deliberate releases now.

EPA isn't the only agency with useful information. State, region, city, and local agencies have developed or facilitated new monitoring methods, chemical control methods, and other tools.

What are the most effective ways to provide that useful information about government resources at all levels without overwhelming companies with too much information now?

Within our firm we have initiated sharing information about these subjects to everyone who wants to know. This has already produced some helpful

suggestions for dealing with issues that come up so far.

In addition, we're considering disseminating information through organizations like CCEEB. Our most ambitious step to date is to offer to organize a workshop sponsored by the Golden West Section of the Air & Waste Management Association here in San Francisco.

We understand that similar workshops organized by EPA and A&WMA on the East Coast have attracted hundreds of participants and succeeded in raising the common level of understanding on key information resources and preventative measures.

You've asked today about our ideas about much more. You've asked the broadest questions about how EPA can take steps to help.

Well, EPA has taken some steps already, such as those regarding the availability of risk management plans, which we and our clients all appreciate very much. This forum itself is helpful, but it's a helpful first step.

In addition, EPA can share information gathered in the rest of the country with those of us who are so far from the tragedies in New York and Washington.

In particular, we welcome EPA's support and participation in local workshops on the West Coast where EPA could provide the best speakers from the east on the

risks we face here and about ways we can minimize or eliminate those risks in the west.

This EPA region can also look at the sensitive information you have in your own possession and communicate to headquarters about any special protections that you think are appropriate.

We strongly believe that this region and EPA nationally has many special opportunities to protect our resources, our food and water supplies, and facilities in the west.

Because of EPA's long experience, national scope, and considerable resources, EPA does have a unique opportunity and responsibility for protecting our resources in California. We can and must work together with vigilance, professionalism, and resolve to increase our nation's security and well-being.

Thank you.

MR. NASTRI: Thanks, Mike, for your comments. Certainly, the issue of right to know in the community is one that we're all grappling with. But your points about what we can do to sort of share the sentiment and the thoughts that are prevalent back East, here, I think, is something well taken --

MR. BARR: Thank you.

MR. NASTRI: -- and certainly look forward on

that.

MR. BARR: Thank you.

MR. NASTRI: Our next speaker is Jay Jansson of Pacific Bell.

SPEECH PRESENTATION

BY MR. JANSSON:

Thank you, yes. I'm currently in the role of the construction and engineering manager for the San Luis Obispo area, or Central Coast of California, for Pacific Bell.

And first off, I'd like to say that I probably would not be here today if it wasn't for all the training and all the drills, all the exercises that I went through during the course of my navy career and my service in Vietnam. So that's the importance I put on the type of situation we have today, and I appreciate this forum very much, because so much information is being brought out from all the different areas.

And what we just did recently in San Luis Obispo is: We conducted a disaster exercise there on November 15th, and it was a fully functional drill; and in fact, this drill in planning was going on for six months prior to 9/11. And one of the things I'd like to say about that is: Prior to 9/11 the participation was what I would say good, wasn't great; but after 9/11 you

can imagine how all the different entities across --

MR. NASTRI: Do we need that mic?

MS. MANGES: Use this mic. Sorry about that. Excuse me.

MR. JANSSON: Does this only happen when the phone people get up to speak?

ATTENDEE: Where's our technical expert?

MR. JANSSON: Yeah.

But anyway, during the course of the planning for this drill and exercise in San Luis Obispo, it was amazing. After 9/11 everybody showed up. Every got -- Everybody got involved. And show -- and so that really shows how necessary it is for us to plan, to drill and drill again, so that we're prepared for any type of emergency.

As far as your specific questions or points that you wanted to address, first point, of course, Pacific Bell major concerns are addressed to telecommunications. No matter what type of disaster we face, whether it's man-made or natural, all government organizations, as well as the general public, will need communications to restore natural order.

In the event of catastrophic failure to the phone systems, some people may not realize, but even cell phones will go down if major systems are taken

down, and that's how important communication is. We have heard that constant theme, whether it was a drill in San Luis Obispo or here in this forum here, how important communications are.

Our country, as well as the rest of the world, has become so dependent on cell phones, the Internet, faxes, computers, et cetera, that the common phone system, plain old telephone system, is just a normal course of action: pick up the phone and use it.

What happens when those phone systems go down? How do we communicate with each other? That's what we are here to -- to discuss and -- and show our interest in.

It's imperative that Pacific Bell and other telecommunications companies work closely with local, state, and federal agencies to prepare for any disasters.

Most of us have a good understanding of how law enforcement, fire departments, paramedics, hospitals, EPA, et cetera, how all those different agencies and folks work. But how many people know how to maintain phone systems and restore them? And we're here to provide and work with you in regards to that information.

What innovative and proactive steps is our

organization considering or initiating? Well, fortunately -- or actually unfortunately, we have had plenty of practice in that. Whether it was the storms of '96, '97, '98, El Nino, Loma Prieta, the North -- excuse me -- the Northridge earthquakes, our forces were on the scene 24 hours a day to make sure that the phone systems were up and running.

We have had a national security emergency preparedness organization, as well as an environmental management organization, in place for years. We have full-time staffs that are professionally certified for emergency planning and management. We are internationally recognized for disaster preparedness, responsive planning, and implementation.

During sensitive events we activate our emergency operating centers for an expedited response. Throughout the company we have:

A multi-hazard disaster management plan that focal -- focuses all the way down to local levels. We activate the same way with the same organizations, and the same people respond on a daily basis.

Training as well as desk-top and functional exercises that are conducted for emergencies so that we are prepared to respond.

There are two network operation centers that

monitor the phone systems in Nevada and California 24 hours a day, seven days a week.

We also have a fully functional HF and UHF radio system in place so that we can communicate throughout the company should the phone system go down.

We merge our day-to-day repair operations people with a multidisciplined team of manager -- managers who are, in turn, supported by an executive officer team.

SBC Pacific Bell has diversified its network operating practices and management to successfully respond to any emergency event.

And to your last point, "How can the EPA help to address your needs and minimize vulnerabilities . . . ?" And I -- and I've heard this spoken before. In the event of a major disaster that would have environmental concerns, we have a need for one-stop environmental directions.

There should be only one lead agency directing environmental response activities. There shouldn't be any turf issues among enforcement agencies that tend to be conflicting.

The lead agency -- agency should be able to provide local emergency response contractors for immediate use if we cannot get our approved vendors to

respond immediately. Fines, fees, and permits should not be assessed while entities are trying to deal with cleanup efforts. Also, enforcement agencies should not be allowed to issue citations during initial cleanup efforts.

The bottom line is that if catastrophic disaster occurs, SBC Pacific Bell may have the need for the normal process to be modified so that we can restore telecommunication services in an expeditious manner.

We realize that communications is probably the key -- one of the key elements, along with all the other things that all of us have to do, to get ourselves back to a natural order here and restore whatever we need for our general public.

Thank you.

MR. NASTRI: Thanks, Jay.

MR. JANSSON: You're welcome.

MR. NASTRI: Certainly, the ability to respond during a national crisis raises a lot of questions and issues, and certainly, we at EPA and, I'm sure, FEMA and others are also addressing in terms of some of the regulatory matters. So your comments are well-taken.

MR. JANSSON: Okay. Thank you.

MR. NASTRI: Our next speaker is Daniel Maxon with the Clark County Health District of Nevada.

SPEECH PRESENTATION

BY MR. MAXON:

Thank you. Okay. My name is Daniel Maxon. I'm with the Clark County Health District, Las Vegas, Nevada.

First of all, I want to commend all of you on the federal efforts that were made in both the Pentagon and in New York City. I think a lot of credit is due but has not been issued.

A lot of recognition has gone to the fire departments and other local agencies that responded, and you guys have silently been there doing the work too but never really have been given the credit. So I applaud all of your efforts in that regard. Thank you.

We were asked three questions, and I have a prepared statement which I've turned over. I'm not going to read all of it, but I will go through parts of it; and I have a couple comments on some of the comments of others who have spoken before me.

The first question is: "What major concerns and problems should be addressed?" Public health laboratory issues.

The Clark County Health District currently lacks a local public health laboratory capable of rapidly responding to public health threats of

biological and chemical terrorism.

Our current procedure for testing samples for possible contamination with biological or chemical agents requires an extensive and expensive process for preparing the samples for shipment to the Nevada State Health Laboratory in Reno, Nevada.

This results in longer turnaround times and, in emergency situations, unnecessary delays when the lab becomes saturated with requests from across the entire state, which did happen. Nothing much worse could happen than to find out the results are positive.

But we already know that the results are positive, if you know what I mean. There were several patients where there were verified credible threats; and with those credible threats, patients were placed on prophylactic medication because we knew we would not have the results back in time.

Clark County is the center of population for the state of Nevada with over 1.3 million residents, which is 70 percent of the state population. So these delays can result in the delayed identification of chemical poisonings, communicable disease outbreaks, as well as noncommunicable pathogens of concerns, such as Bacillus anthracis.

It is important to note the state lab is quite

limited in its ability to assess environmental hazards other than biological agents. I don't think that we are alone at the state lab level in the west with these limitations.

Staff training, another key issue -- and I won't go into a whole lot of detail on this -- our depth of staff is very low. There are many of us working 70-hour-plus weeks for several weeks, and that wears down that staff. And the saving grace is that most of the calls we took were recorded, which had a nice moderating effect when we got the calls that really didn't make a whole lot of sense.

Personal protective equipment. Several people mentioned this. The Health District has identified that personal protective equipment and response vehicles are less than adequate, and this will be an even more significant issue as additional trained staff are added to the pool of available response staff so we don't find ourself in this wearing out of limited staff we have now.

We are already in the process of doing that training and trying to procure the equipment with some local funds that may be available, but it's quite difficult.

Food safety. Bill Mattos commented from the

poultry industry on this, and I was quite impressed with his statements.

Clark County is the destination -- a resort community that serves tens of millions of tourists from all over the world every year.

One of our major concerns is the protection of bulk food from the field to the table in our hotels. Although this may be a difficult issue to address, it needs to be examined in detail so that risk to the public can be reduced whenever and wherever possible, using the hassive [phonetic] approach.

Part of this risk reduction can be accomplished through innovative concepts, such as training of food service owners, operators, and managers, changing the mind-set of the food service workers through innovative generic training on examining bulk food upon receipt for not only the temperature and things like that, but evidence of pilfering or contamination.

Drinking water. Several people have spoken on this. We believe that early detection may be one of the keys here developing techniques so the water can be tested for some of the various chemical agents in the water system.

There are so many open water systems across the country that I cannot imagine a way to protect all of

it. Ironically in our case we are primarily served by water from Lake Mead. We do have several vital rural systems which are primarily well water which are poorly protected.

Clearly, a significant amount of information on the release of details of this equipment is available through standard requests, Freedom of Information Act request, if you will.

So it poses a paradox for us as a public agency on the one hand wanting to give people information and, on the other hand, not wanting to give them that information, knowing that it might be used to take advantage of what we have.

Okay. Question No. 2: "What innovative ideas --?"

And I beg your indulgence in going a little longer. There's only a couple of representatives from the state of Nevada anyway. Most people came from California. So bear with me.

"What innovative ideas and proactive steps is your organization considering or initiating?"

We have one problem with Las Vegas, Nevada, and that is that we're isolated out in the middle of the desert. When you compare that to New York City, which had multiple jurisdictions in a huge cosmopolitan area

available to respond, what would happen if something bad happened to us? The nearest major city is 250-plus miles away.

And so some sort of mutual-aid plan has to be developed, I believe, with Southern California and the larger L.A. area to perhaps help us in emergency. I am not the one to help make that plan, I don't believe; but this sort of thing, identifying communities like Las Vegas that are somewhat isolated but yet large that don't have adequate facilities and would quickly be overwhelmed if anything major happened.

A team approach is necessary in executing operational plans that serve the public well.

One of the plans that we implemented and we are quite proud of for this recent bioterrorism event was the use of the Las Vegas Metro Police Department's communication center nonemergency 3-1-1 number as the single point of contact for all Clark County residents to call for the prompt evaluation of potential threats involving mail and other packages. We did handle a few others besides that.

This system works extremely well and began on October 17th. We began recording the number of calls. They were in 90s per day. Now we're down to a couple per day.

We actually for the first few weeks had an environmental health specialist that was trained on answering calls to the public on staff 24 hours a day at that metro conference center to assuage the fears of the public and to address what might be real threats and go out.

Each responding agency -- we have a response matrix -- had a response role within a predefined -- that predefined matrix with predetermined lines of communication. We believe such a system could be implemented in many other communities across the country. That is a key.

Everybody's gotten into their role, and that was something we tried to address very early on because there was a lot of chaos with so many different municipalities even in Clark County and here in California. Some areas it's even worse.

News media cooperation in not reporting stories on ongoing investigations and, in fact, were bogus, I cannot thank the news media enough for withholding their tongues when we were out there investigating case that had nothing to do with anything.

How can the EPA --? Three: "How can the EPA help to address your needs and minimize vulnerabilities in the system?" Send money. Infrastructure funding.

First and foremost, the Health District needs a state public health lab in Clark County. I've already been through that. I've already been through the personal protective equipment and vehicles and other unbudgeted items like overtime.

With these issues in mind, the single most important thing that EPA and other federal agencies can do to help Clark County is to financially help our community to provide an adequate public health infrastructure to meet the needs of our county during any major biological or chemical threat or disaster.

Clark County is fortunate to have a modern environmental testing laboratory located at the University of Nevada, Las Vegas.

The Harry Reid Center for Environmental Studies has several labs which do much in the way of indoor air quality with grants. It might be something that EPA wants to consider using for some of the different chemical agents. I don't know that they're set up, but I am certain that doing some simulated studies is an important aspect of this and understanding what can happen.

For instance, I think that we all now clearly understand that airborne anthrax in the post office, landing on other letters and so forth, was a significant

issue. I take the Connecticut case in point.

Communications improvement. I think people have been over communications, and I'm not going to go into that in any great detail. I will tell you that we answered the phone so far 1,080 times as of yesterday, and we responded 104 times.

Now just a couple of little comments on things that came up.

We received a letter -- actually, a complainant received a letter from Howard University. Howard University is in Washington, D.C., and had one of 54 environmental surface cloths test positive for Bacillus anthracis. I can tell you that that came through the same post office that served Congress, which is also possible, as you know.

Our question to you that has not been answered by the federal government is: What is the long-term effect of some of these letters being held by the public which may contain important grant material, mortgage deed information, and so forth, sitting in somebody's -- some envelope in some box somewhere in their home possibly contaminated with anthrax as we speak?

Now, you might say, "Well, they didn't get it, then." People age. Their immune systems decay. Other things happen in people's lives.

There are probably -- I don't know how many letters, but there are many letters that were there that fateful day of I think it was October 12th that are out there right now. And it has never been addressed and something we wanted to bring forward.

We had an issue, just examples of some things that were responded to, a birth certificate from Mexico. The person was very confused. He called. We got a translator on the line with Metro P.D. I happened to take that particular call.

It turned out that this poor fellow didn't want to open it. He wanted his birth certificate for obvious reasons, but it wasn't the right post-office information.

It turned out it was a FedEx letter. So we were able to help him open, and it was his birth certificate, and everything was okay. But the fear factor was truly there, and he didn't know the difference between a FedEx letter and post-office letter.

Different levels of personal protective equipment being used by different government agencies created concern among the public. And I think that's something that needs to be identified and trained for.

A significant number of calls that we responded

to were from various post offices. In one case employees were using nothing more than surgical masks as protection, which we advised them was inadequate.

And that's all I have. Thank you.

MR. NASTRI: Thanks, Daniel.

Yesterday we had an opportunity to meet with the state directors from California, Arizona, Nevada, and Hawaii. And one of the things that we at EPA learned -- or that I learned, I should say, is that Nevada doesn't have a state emergency response support function, that their functions are delegated down to the local county level.

And so what it said to us on the federal side is: There is that much less time for us to be able to respond to an incident in the state of Nevada.

So your points, I think, are well-taken and something that we'll all consider as we move forward; and to the extent that we can help facilitate any type of mutual-aid agreement with California or any of your other sister states, I think we can certainly move forward with that regard.

So again, thank you for your comments and for coming all this way to share with us your thoughts.

Our next speaker is Ms. Renee Pinel of the fertilizer ag retailer policy.

We know that fertilizers can have a major role in future events, and so we appreciate your time today.

SPEECH PRESENTATION

BY MS. PINEL:

Good morning and thank you. My name is Renee Pinel. I'm with the California Plant Health Association. I am the director of fertilizer and ag retailer policy.

The California Plant Health Association represents the fertilizer and crop protection manufacturers who market products in California, and we also represent the ag retailers who provide these products to growers.

The California fertilizer and crop protection industries have proactively worked to ensure the safe handling and use of its products for well over two decades, beginning with safeguards developed either through regulations or voluntary efforts to assure environmental and worker safety and to te- -- intensify after the bombing of the Murrah Federal Building in 1995 to assure product security.

The fertilizer and crop protection industries have continued this commitment to pro- -- for product safety and security in the weeks following the tragic events of September 11th.

We serve a more than $30 billion agricultural industry. These products are critical to the protection of 200-plus commodities.

We are addressing these security issues at all levels of the chain of commerce. I have provided more detailed information about our security efforts in written comments but for the sake of time will provide only a brief overview of our efforts in these areas.

Manufacturers and retailers are utilizing state-of-the-art security systems to protect products. These safeguards include security cameras, sound- and motion-sensitive alarm systems, secured storage areas, and ID cards for drivers.

Additional safeguards being widely used include nonacceptance of cash sales, delivery of products for first-time buyers, and consultation by consultants to access -- to assess whether the buyer is a legitimate purchaser.

Agriculture is built on long-time commitments with customers. So these are safeguards that we emphasize towards newer customers. Again, the emphasis on them, again, is to assure that these products are going to real ag growers and that the purchases are legitimate purchases for ag use.

From a regulatory standpoint, California leads

the nation in regulatory safeguards for crop protection products. All products can only be sold under the recommendation of a licensed state adviser. All sales receipts are retained for at least two years, and California has a 100 percent reporting of pesticide sales on a county and state level.

Ensuring the safe transportation of fertilizer and crop protection products is a cooperative effort between industry, state and federal regulators.

Since September 11th our industry has been working with DOT and with the Federal Motor Carrier Safety Administration on additional measures that can be taken to increase awareness in security levels, including when and how to ship products, staying away from urban areas, maintaining a lower visibility, those kind of issues.

And our industry works very closely with the Coast Guard because of a lot of our products are brought in by ships. So we have had very intensive work with the Coast Guard up and down the ports of California.

California also has an industry specific and cooperative program that provides additional security when it comes to transporting fertilizers and crop protection products.

In 1991 the California Plant Health Association

working closely with the California Highway Patrol started the Anhydrous Ammonia Transportation Safety Program. This program is administered by a retired member of the CHP who continues to work with law enforcement agencies to keep the program meeting the safety needs of regulatory and law enforcement agencies.

Through hands-on education and a training program, the Anhydrous Ammonia Transportation Safety Program certifies licensed commercial drivers in the area of anhydrous ammonia transportation.

The benefits of the program are twofold. First, a driver is given additional training in the transportation of a specific hazardous material; and second, it serves a second screening for suppliers.

The potential drivers are evaluated by a retired CHP officer who has over 30 years of experience. So it is a second screen for observation by the administrator of the program of potential drivers.

In addition, not only are the licenses kept on file by the people who are going to be doing the transportation of the products, but a copy of the license is also retained by the California Plant Health Association in our office. So there is a second level of retention of drivers licenses.

In this effort, this effort allows distributors

of the product an opportunity to ensure that potential drivers are licensed through the State of California and have the skills necessary to transport the product.

This program has been so successful that it was adopted by Washington and has been expanded throughout the northwest.

Over the past few years, the fertilizer and crop protection industries have been concerned about thefts at retail locations due to the high value of many of the products.

In response, our industry supported and helped pass legislation that establishes a series of world crime task forces across California. These task forces work where industry local agencies and law enforcement agencies provide cooperative strategies to attack the problem.

While local district attorneys are currently consolidating their statistics for reductions in crime, from speaking with our members, we have seen a significant drop in this problem.

On a national basis, our industry has worked with ATF and FBI on security issues and developed in 1995 the "Be Aware for America" program to help retailers and manufacturers identify suspicious activities involving critical fertilizer materials.

This program was so successful that in the year 2000, it was expanded to the "Be Secure for America" program, and it was expanded to include all agricultural inputs and chemicals.

Owners and employees of retail facilities now have educational brochures, posters that both employees and the public can see, and 800 numbers where they can call immediately for any activity that they deem suspicious.

The ATF also randomly shops retail facilities to ensure that they are, in fact, doing all they can to prevent products from being used improperly, including the techniques I described earlier.

Our industry also works cooperatively with other associations and agencies like the American Crop Protection Association, the Fertilizer Institute, the American Chemistry Council, the Department of Food and Agriculture, the Department of Pesticide Regulations. We work daily with the county ag commissioner's office, and our industry also is serving on Secretary Ridge's Homeland Security task force.

Following the events of September 11th, the need for security has become even more imperative. Agriculture is no exception to this need.

Within the fertilizer and crop protection

industry, there is fortunately a network of both mandated and voluntary programs that have been developed over several years of analysis to provide the safeguards and the necessary laye- -- layers of security checkpoints.

We believe these safeguards are sound because they have been developed methodically and cooperative over a period of time involving a wide range of regulatory and law enforcement agencies.

The California Plant Health Association and the industries we represented are committed to maintaining and expanding this ongoing effort and to assure the public that we do have in place safe, strong, and effective security measures.

MR. NASTRI: Thank you. The sheer volume of ag products and chemicals is obviously an area of concern for all of us. So your efforts and actions are well received here. Thank you again.

Our last speaker before our lunch break is Mr. Stephen Hall with the Association of California Water Agencies.

SPEECH PRESENTATION

BY MR. HALL:

Thank you, Administrator and members of the panel. My name is Steve Hall. I'm with the Association

of California Water Agencies.

We represent local water providers across the state. Collectively they deliver well over 90 percent of the water that people get delivered to their homes, farms, and businesses. And in the process of representing those folks, it really covers the gamut from the largest water utilities in the state to some of the smallest. And they have a range of concerns and needs.

So appreciate very much your convening this panel. We hope it's part of an ongoing process to coordinate activities at the federal, state, and local level and between the public and private sector.

And I do want to echo the comments of others. I really believe, for the most part, government has been at its best since the crisis of 9/11 in trying to respond.

And so let me, if I may, talk about some concerns that we have but then go on to some of the things that we're doing and some of the things that we hope can be done on a coordinated basis between our agencies and the federal government that can reconcile those concerns.

First, I would say the concerns fall into two categories: First is confusion at our level about the

nature and extent of the threat; and the second is the apparent conflict between some commonsense responses that have been undertaken both at the federal level and at our level that, though they are common sense and necessary to take, are in conflict with longstanding law and policy.

And it's not an insolvable problem. It simply needs to be addressed and reconciled. Let me give you just a couple of examples.

Our members prepare risk management plans. They are required to do so under the Clean Air Act. Those plans require that facilities identify on-site chemicals and prepare mitigation plans for any potential hazards, a very commonsense regulation.

It includes information about worst-case scenarios. Those worst-case scenarios are posted on the Web sites of our larger members. That makes it available to the public and also available to potential terrorists.

EPA has removed those plans temporarily from the Web, and there is no public access. But according to federal law, they need to be posted on those Web sites. Again, not an insolvable problem. It simply needs to be addressed.

We also are required to publish consumer

confidence records. It's an annual water quality report for water suppliers. It's mailed to consumers every July. It's also mandatory for our large members to post them on their Web sites.

It contains information about source water for that agency, including well locations, again, something that could fall into the hands of the bad guys and probably shouldn't. We have temporarily removed that information from the Web site. But again, they are required to be posted by law, so we need to make some accommodation for that.

Monitoring and labs. We don't know exactly which chemicals and biologicals that we should be monitoring and what methods, what protocols should be used to detect and, if detected, treat.

Particularly for the more exotic biologicals, there is a -- a deficiency in certified labs in the state of California to test for those things. In fact, for some of them, there are no labs that are certified to test.

In terms of public communication, a great deal has been done, I think, to serve the public, try to assure them that their public drinking water is safe. But for the most part, that has focused on facility protection and water quality and cyber terrorism. And

it clearly needs to be a more coordinated response to assure the public of what will be done, what can be done, in the event of a terrorism attack.

And finally, there is a unique set of water providers in the state who are particularly needy, not a -- small systems. There are literally thousands of small water systems in the state of California.

The big ones, like the metropolitan water districts of Southern California and the East Bay MUD, they get the attention. But there are thousands of small water systems across the state that don't have the resources, the technical or financial wherewithal to respond.

And without going too far in detail, the pattern of terrorists to date has not been necessarily to attack populations, but to attack segments of the population and thereby scare the rest of us. So it could happen in a small system as easily as it can happen in a large system.

Now, let me turn to what ACWA and its members are doing. Obviously, our members, particularly the larger ones, have immediately increased security at their facilities. They have begun quality water monitoring on a more intense basis. They were already monitoring. Now they are doing more of it more often.

They have limited access to their facilities. They have stopped tours, et cetera.

They have been informing the public, to the extent they are able, about the nature and the extent of the threat and what is being done to prevent it. They have gone as far as, I mentioned before, removing some information that was previously available, again, as a security precaution.

And they have prepared information on how they will communicate to the public in the event of an attack on their system. In other words, they are prepared to let the public know what should be done to the extent they are able.

Finally, they are conducting extensive vulnerability assessments, basically an inventory of where they are vulnerable, and, again, developing plans to reduce that vulnerability.

Metropolitan Water District of Southern California, the largest district in the state, has developed a sort of model assessment that other agencies are using, and it's a very good one.

And then finally, we are, to the extent necessary and possible, coordinating with local law enforcement to make sure they know what our facilities look like, where they are vulnerable, and how we can

coordinate security measures.

As for my association, we have held a series of briefings around the state. We have brought in the FBI, the US Bureau of Reclamation at the federal level, at state level the Department of Health Services, which is responsible for drinking-water quality safety, and the Department of Water Resources to brief our members on what they should be doing to prepare.

We have acted as a clearinghouse for our members and other agencies, providing information from the federal and state governments to our members in the form of notices and advisories. We have posted those on our Web site so they are easily available to our members. And we have ourselves prepared information that we can distribute to our members in the event of an attack on one of their facilities.

And obviously, we are also working closely with the media to try to give them good information that they can in turn pass on to the public. That is perhaps one of the greatest needs is providing information that is realistic; that it does not minimize the threat, but also does not overstate it, so that the public can really know what the nature and extent of the threat is.

Now let me talk about what we think EPA can do. Let me echo the comments of others: Send money. Our

members have a new activity to perform which is expensive, and that is security against terrorism. They never envisioned this. Few of them have planned for this financial burden. And frankly, they need money in the pipeline fairly soon if they are going to be able to prepare and respond in a timely way.

We understand that Congress appropriates money, and we understand that you can't give us money that Congress has not appropriated.

There are bills moving in the Congress. The Tauzin-Dingell bill, HR 3448, passed the House for last week. It provides for vulnerability assessments. It appropriates $120 million.

Whether something like that will move through the House and senate, be signed into law, is conjectural. But what we would suggest is that EPA begin now to prepare for how to distribute that money expeditiously, obviously efficiently, to the right people in the right way, but as expeditiously as possible in the event that a bill is passed and signed into law.

In other words, don't wait until it happens. Try to anticipate that it's coming, and make plans to distribute that money.

Next -- I talked about this conflict between

commonsense responses and longstanding federal law and policy. To the extent you can help reconcile those conflicts between, say, the requirement for risk management plans and consumer confidence reports and the commonsense responses that we've had to make and that you've had to make, to the extent you can help adopt either new law or new policy to help us reconcile that, it will be very helpful.

We need a network of laboratories in the state of California and throughout the country to analyze for biologicals and other potential waterborne agents; and to the extent that can expedited, that will be very helpful to us.

We need a coordinated response plan between EPA and the local agencies. We have done a pretty good job, I think, of developing a response plan at the local level. But to the extent EPA, the Department of Health Services, and the local water agencies are all saying the same thing, it will be very reassuring to the public, and it will also help us do a better job of coordinating our activities.

And then finally, if some additional aid can be directed at small systems, we believe they are most in need of that aid. And as I said before, they are just as much at risk.

I want to close in the way that I opened by thanking you and by congratulating you on the good work that EPA and other federal agencies have done to date, and we look forward to working with you in the future. Thank you.

MR. NASTRI: Thanks, Steve. As you know, EPA is looking at funding through the states and how that can be perhaps reprioritized to look at some of the more pressing vulnerability issues. So we are going to continue to see how we can work to provide you with funds.

And the issue of the smaller water suppliers is one that we know is going to be very important, particularly in light of the arsenic standards.

MR. HALL: Right.

MR. NASTRI: So we're trying to see what we can do to move on all those efforts. And again, thank you for your comments.

MR. HALL: Thank you.

MR. NASTRI: On behalf of all my partners here on the federal side, I'd like to thank all the commenters this morning.

We look forward to continuing after lunch. We're going to take a brief break and reconvene here at 1 o'clock. Thank you.

(Luncheon recess taken at 12:03 p.m.)

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AFTERNOON SESSION - 1:05 P.M.

MR. NASTRI: I want to thank you all for coming back today.

This morning we heard a lot of good comments from industry representives, from environmental organizations, and from community-based organizations. I think it was interesting from my perspective to sort of hear about the need to be more proactive in our outlook and not necessarily so responsive to the issues that seem to be driving us. And so that's something that we're going to see what we can do to look at very seriously.

Our focus this afternoon will be to hear the remainder of the speakers that are present. And, as I mentioned at the start of the day, we hope to take the information learned here and sort of combine it into lessons learned and an action plan for us to move forward into the future. We're going to share this with all the sister agencies, federal and state agencies that are here with us today.

And so having said that, let's go ahead and begin. And our first speaker is Dr. David Witt of Kaiser Permanente.

Dr. Witt?
DR. WITT: Just use the desk mic.
MR. NASTRI: Okay.

SPEECH PRESENTATION

BY DR. WITT:

Thanks for the opportunity to --
MS. MANGES: I'm sorry. Here.
DR. WITT: Okay. Again, thanks for the opportunity to talk.

I guess there's a lot of concerns that have been voiced, and my biggest concern is that we've heard these; and yet, we actually haven't really made concrete efforts to really reconcile them.

I think the concerns that concern me the most are ones that have been identified in the exercises that have been done, such as the top off for the dark -- dark winter exercises. We saw the same problems in the D.C. problem.

We have a fairly large percentage of patients who were involved in the D.C. anthrax outbreak. And the problems we identified there were predicted by the prior exercises. And from what I see since, we're at least recognizing this, but we still have not grabbed the horns and really addressed what we have to do to solve the problems.

Fundamentally I think the biggest one is that there is no structure for coordination. These events are so large, they span multiple agencies, multiple jurisdictions, and really multiple ways that we have previously thought of addressing a disaster.

The mind-sets, we have never really had to have close involvement with law enforcement, investigative coincident with massive health response, coincident with police forces, coincident with military. These really are not organizations that work together.

In addition, our structure is to address this. Our public health organizations don't deliver healthcare, for the most part; and so they have had to work with the organizations that do to try and get the healthcare delivered.

There is no one in authority yet in case another event occurs that could direct these multiple systems to coordinate their activities.

There's also the culture. We have all worked independently. Fire departments have mutual aid, and that's probably the extent to which we get. There is no mutual aid between hospitals, and most of our independent organizations have not had to call on our brethren for help.

The other thing that was clearly there was a

lack of agility. Again, we haven't had to respond to this time of -- type -- this type of time pressure. Decisions needed to be made long before the normal course of making such a decision would ever have been followed.

The public health system, I think we all have heard, we recognize, is suffering; and I think that's our first line of recognition that we have a problem. Obviously, the EPA is related to that on a different angle. But again, the surveillance parts of our system, I think, are lacking and really need to be beefed up.

What we learned in Maryland and D.C., our organization had certain capabilities that were very helpful, were integrated. So unlike other health organizations, we didn't have to coordinate between pharmacies and hospitals and clinics and physicians. We could actually direct as one organization.

And as a health-care organization, we can expand and contract coincident with the normal outbreaks of flu or whatever else passes through the year.

But we were -- we were I don't want to say "crippled," but close to crippled by the same problems we see on a broader sense. We could call for help outside of our organization or outside of our area, outside of the Middle Atlantic region; but we have never

done that before. We didn't have a structure.

We were able to respond. We sent five infectious disease physicians to Maryland. I was one of them. I couldn't get licensure.

So again, we're dealing with independent organizations who exist to protect the health of patients requiring strict licensure and investigation. It made me relatively useless in a situation where I was really needed.

We had similar problems, although not as bad, with nurses administrators were using to overlook.

In Maryland we had to make decisions before any governmental agency could give us guidance. We were pleading for guidelines on what to do with the anthrax exposures, what to do with anthrax-potential patients. We had to make decisions off the cuff.

In retrospect, they were conservative. They work pretty well. But we really were uncomfortable having to go out on a limb and make these decisions, as was everyone else, but they need to be made.

The -- I think the other problem that's obvious is: We don't know how to manage really large situations.

The anthrax scare affected 20 patients. It actually impacted our California operations

substantially. There was not a single case of anthrax out here. We had in our Sacramento Valley region the weekend following it 300 calls a day of people concerned about anthrax exposure on a rough estimate.

We actually don't have the capability of knowing what the patient demand was. We had events at multiple hospitals of hospitals being incapacitated by white-powder-suspect envelopes. Patients brought them to the emergency department. And the areas that we needed to function were actually closed because of a lack of assistant to evaluate this.

I think the scale of these, in fact, not only the area involved, but broader, again, outside of normal municipal governmental or conventional ways of thinking.

I think as far as maybe more specifically the EPA, I'm concerned about how utilities, the functioning of our basic operations of society, would affect the ability to deliver healthcare. Power, water.

I think in a large-scale situation, my own hospital's disaster plan calls for decontamination. We have a 55-gallon drum to catch the runoff of our decontaminant. If we get two patients in, that's probably overloaded. And I think on a large scale, we don't know what to do about it.

I think we're seeing in the senate building, we

don't know how to decontaminate a lot of these currently biologics; but certainly, some of the chemical weapons have the same problem, particularly again on a large scale where we have to compromise our normal progress.

We have done a couple of things as an organization that I think have helped. Right away -- We actually drafted a bioterrorism plan in '99. It was fairly much ignored. We tried to publicize it. No one was really interested until September.

September 12th the group that wrote this was convened again and became the core of our national bioterrorism task force.

We met daily by virtual conference to discuss issues that have come up. We fortunately got authority from the highest-level executives to not go through -- again, the things that you wouldn't think about -- logo approval. In a time of crisis, someone worries about the logo. We need to have systems -- honest to God. We need to have systems that address these kinds of expeditious decision making in place.

Our Mid-Atlantic Emergency Operations Center was invaluable. It put the executives in the place who could make decisions, who could ship large quantities of medications, who could draft staff from all over and allocate them as needed.

We don't have a national EOC, but we are developing one; and again, this would provide the executive management to permit different sections of our organization to support the ones that are most under duress.

We are also currently undertaking a national planning effort to examine things, such as facilities, such as new designs that would be more compatible with, for instance, isolating entire wings in the event of a large-scale outbreak.

We're building model new hospitals. A little foresight now can save an enormous problem in the future. We are looking at our warehouses. We are looking at security, and we are developing clinical practice guidelines that everyone will have had and be able to access in the event of another outbreak.

We also right after the start had established a Web site with the authorized information. Again, imperfect. I think we saw information was a problem at all levels. But at least we had one Web site that was endorsed by Infectious Diseases, the Administration, Infection Control, and created an easy access for staff around the country. It was also open to the public, at least parts of it, for updates and information.

So I guess what I would hope we could address

is some way -- and it's not just governmental and it's not jurisdictional but of all of the organizations using the strength of each other and getting around the conventional barriers to working with each other. I think we need to do this quickly. I think we already see the pressure of the recent outbreak fading a bit.

We need to look at how to utilize the strengths of each, how to use -- Our public health agencies are tremendous at surveillance, but they don't deliver much healthcare. Our health-care organizations are good at delivering healthcare. We don't do surveillance -- how to use the strengths of each of our aspects in the case of an emergency so we don't slow each other down.

We need to resolve the issues of authority, and that is a sticky one, but maybe the most important.

And we really need guidelines on decontamination, what can be suspended in the event of a really -- in the event of a crisis, how to address the issues of scale, and what we can do in the event of a mass-casualty situation.

Thanks.

MR. NASTRI: Thank you for your comments. They're all excellent points that we're all going to take a look at and figure out to address.

On the jurisdictional-lines-of-authority issue,

I'd like to think that we have improved at least amongst the federal agencies; and clearly, we are not represented on the hospital side unless Bill can sort of speak to the coordination of that, but I'm not sure if we can.

MR. NELSON: Well, just briefly, I agree with 99 percent of your comments, and they're very -- they're very correct.

We are -- we're learning a lot, even from anthrax, as you know. I mean, what we knew this morning was probably outdated already. It's unfortunate, and it would be nice if we had a lot of that knowledge ahead of time.

But, you know, September 11th was a big surprise to all of us, and the entire nation was not prepared, not only the health-care system, but everybody.

And I agree with what you're saying, and I think that those are really good comments, and we really do need to follow them up.

DR. WITT: Thank you.

MR. NASTRI: Thank you.

Our next speaker is Ray Riordan of East Bay Municipal Utility District.

SPEECH PRESENTATION

BY MR. RIORDAN:

Well, first of all, thank you for inviting us to speak at today's session. I am the emergency preparedness officer at East Bay MUD.

For those who are not familiar with the East Bay Municipal Utility District, we serve the East Bay, the San Francisco Bay Area. We have 1.3 million water customers, approximately 685,000 wastewater customers that we provide service to.

The jurisdictions that we serve include 22 cities and other munic- -- community areas, including Oakland, Berkeley, and Richmond on the western side; on the eastern side, Walnut Creek, San Ramon, Danville Valley area.

In terms of facilities, we have over 92 miles of enclosed aqueducts that bring the water that we contain at the Pardee Reservoir in the foothills of the Sierras. We transport the water then over through these tranmission mains into the hills of the Oakland-Berkeley area and then distribute it through about 4,000 miles' worth of pipeline, distribution pipeline.

The requests that we had were to address three questions from the environmental -- Environmental Protection Agency first looking at some of the

environmental safety problems that we are concerned about, the actions we have taken, and then where can the EPA assist us in those efforts.

I do have some slides that I'll show in a few moments on the overheads that I would like to point out some issues.

And I'm glad that we could accommodate our schedule, as this morning we were meeting with some experts from Israel on how they have been protecting their water system over these last 50 years.

Some of the environmental safety issues that we're looking -- or concerned about is that we would like to obtain --

My speaking notes are also in the back, and I've shared them in the panel up front.

We'd like to know a list of known or perhaps emerging contaminants. Obviously, the -- the main categories include biological, chemical, radiological-type contaminants that are possible. Within those we need to understand what the lethal or sublethal levels are.

For instance, a lot these contaminants could be dilluted simply by additional water. So the concentration would have to be vast in large water resources where it could be smaller in distribution

locations.

So we need to understand what those lethal and sublethal concentrations are. We need to understand the common parameters and how these contaminants would interact within the water. What is the contaminant solubility? How does it react with patent transport as it's going through transmission, treatment, et cetera?

We need to understand better the physical chemical characteristics and specifically the triggers that we may look for, for instance, if there are capable in-line monitoring systems that can take a look at the common surrogates of color, smell, pH balance, chlorine residual, conductivity.

We need to understand those scientific parameters around what these contaminants may be. There's not a good compendium of those parameters around the different contaminants that we're aware of.

We also need to take a look and understand better the different monitoring processes that could be available. Currently most monitoring systems monitor for pH, or they monitor for chlorine residual, but they don't do the gamut of all the other surrogates that we look for in terms of water quality aspects.

So we need to understand better and maybe look into the sciences better of the monitoring systems that

could be available both in line and on field tests and laboratory testing systems.

We need to better understand how hydraulic modeling can assist us -- if there's a contaminant, how far has the contaminant gone through our system? -- so what hydraulic models can best predict where that contaminated water had moved forward in the next phase of the system.

If we can also at the same time look at how those hydraulic models can help and we can understand the characteristics of the contaminants, both the known and the emerging exotics that are coming out, then we can understand how we might be able to treat it better or pretreat it or add to the current treatment process to be proactive in the effort, which is the comment that came up earlier: How can we be more proactive instead of reactive to situations?

So then perhaps we look at the treatment process, but what additional actions we should take in the water industry or wastewater industry as well.

We also would like -- because of the different sizes that are out there, it's -- right now it's -- there's so much information, it's like trying to capture a hundred gallons' worth of water in a wet cup measuring cup and that measuring cup's got a hole in it. How can

you get the right information you're looking for that's going to be more salient to what our needs are in looking at the science of water protection, et cetera?

There's so much information that we need to have a centralized location where this information is balanced, it's been tested through the sciences, and we gather the information that's available through CDC and all these other organizations, the federal resources and what they have been doing.

The availability of information. Some of the information that was available prior to September 11th in terms of some of the exotics that could be treated was widely available on the Net or through certain avenues of federal resources.

But as soon as September 11th came around, they were stamped "Top Secret" and now were not available, which is now the time when we are trying to understand these systems better, don't hold it back on the top-secret level. Let's exchange this information and have a better understanding of what some of the science was prior to the 11th as well as now.

In terms of the actions that we took immediately, obviously, we activated all our emergency programs that we have at East Bay MUD both in the security side and our emergency operations program.

The State of California is blessed with a very strong emergency response program called Standardized Emergency Management System that integrates utilities, both water -- both public and private water systems and wastewater systems.

So we activated those systems for the first time in our history where we have recreation such as fishing, no body contact in our water reservoirs. We actually removed all those fisherman. We removed any possible source of where contamination could take place, because our first reaction was reaction. Let's step back and pull everything off. It's the first time in our history we have ever done such a move.

And progressively allow access to certain areas, but we still don't allow access. We're still limiting access to the public to treatment plants and other facilities which used to have a fairly open-door policy to teach people about how do we treat your water is very important to let the public know how we treated our water.

Now we're a little -- we have new procedures in place, new corporate procedures, to allow for those -- still allow for those tours but in a regressed or a more limited way.

And in terms of security, obviously, we

activated a security assessment team right afterwards, after the 11th. And the first several things we started to look at is: Where is our system more vulnerable, and where do those vulnerabilities lie?

And if I may, I have a slide. I have two.

We have to first take a look at what are the perceived risks? And this is important point. It's hard to see the slide. But it's a very important point. What are the perceived risks, and what are -- what are the more realistic risks that we face in the water system?

I think with the water system as well as in many other security situations, the media may play an incredible role here. The media can paint a picture that can either bring in panic amongst the public or can calm the panic.

Some of the perceived risk is that someone's going to drop something. Someone's got this magical pill that they can drop in a reservoir and cause widespread contamination. That's a perceived risk, when the real risk in terms of anthrax and some of these other products that have been hitting the news more is that it's truly airborne contamination is an issue.

And water may not be the best transmission or way of distributing whatever biochemical product they

are putting in there.

Again, there's an assumption there because we don't know what all the exotics are, and we need to know more information about the exotics. Actually, the real risk probably falls closer to the distribution system rather where we -- than source water.

Another perceived risk is that someone can blow up a dam and wipe out large population areas. When in fact you look back in history and even in World War II when dams were major targets and they were bombed at constantly, there was no recorded history of any of them ever failing. They fail more from earthquakes, such as the Van Norman dam down in L.A., rather than from these terrorist-type events.

Probably the more real risk is the destruction of our outlet towers or aqueducts in terms of that activity, and that is where we see a greater need looking at is the FBI and other organizations tell us physical disruption of the transmission system is the greatest concern that we have versus contamination.

And another perceived risk is that while water systems may be a prime target, even in Israel, there's only been one noted historical fact of attack in 1965 when the PLO was first organized when they tried to destroy the canal from the northern section of Israel,

and that was a physical intrusion, physical planning of bombs; but because there was enough security and sensory activity going on, surveillance, that they were able to intercept that and put that to the side.

There have been six other cases in the state of Cal- -- in -- in the nation where water has been attempted to be tainted but never been successfully tainted.

At East Bay MUD, we are taking the security seriously, and we are in the process of hiring a security manager to look at just a lot of these issues as well as how do we deal with employees, background searches, and all that, et cetera.

One of the other -- if you show the other slide -- that would also be involved with continuing this whole notion of what is a realistic risk, to the left, which you see on the left column, is a population impact that could be affected if there was a way of contaminating the source water.

And then to the right, or down at the bottom of the graph, you see it says low, medium, and high potentially contaminate water. Well, if they really could contaminate the source water from the top left, they could affect a large portion. But the probability is so low. The potential is so low because of the

ability to dilute. That's why it's on the low side.

And where we have the high potential, again, is down the distribution, which is where the reservoirs and distribution pipes are located.

We need to have better knowledge and science and how can we -- again, the in-line systems at looking at the water system and the very surrogates that we'd be monitoring for.

Thank you.

Some of the new corporate procedures that we have enacted in terms of the information on our system, we have taken all the information that used to be freely available on the Web about our system and taken it off the Web site.

And this is a balance that we have to play between the Freedom of Information Act on giving lots of information to the public or what's reasonable. There's a question of guidance there. What's reasonable to allow immediate public access to, et cetera, and what would not be?

So we need to start looking in terms of security what should be readily available, what should have some parameters around it. Should we always be giving out information, or should we be looking at the intent behind the reason for the request for

information?

And how we proceed with water security and other treatment processes. We did employ additional security and surveillance, including third-party security vendors, employees, and even local police department.

One of the comments brought in earlier by Dr. Witt was the integration of law enforcement and other surveillance techniques with the water system.

We now have local police being aware of what our water system looks like in normal conditions so that when there's an event that takes place, they can understand what the problem is or an understanding there at that point.

We have been meeting with security experts. I've mentioned that we've brought some experts from Israel in. In fact, this morning we were being briefed by them.

And again, they have looked at similar issues against vulnerability. Source water probably isn't where the real concern is, but they are confirming the distribution point and other information on in-line systems is where the next level of security needs to be taken care of.

I think when we look at what the EPA or the

other actions that we need to take a look at, we have included aerial reconnoissance from the CHP and other law enforcement agencies that have that ability because we don't have that ability as a water system to look from above.

But when we look at what we are -- what we suggest how the EPA can help, we certainly look to the EPA to become perhaps the central communication point for water information, contamination information, looking at the biologics, the chemical, the radiological, the lethal and sublethal concentrations, the issues around surrogate monitoring.

We also look to the EPA perhaps on assisting on guidance on what should water utilities be paying attention to in terms of response plans, et cetera.

Now, a lot of water utilities like ourselves have already taken the foot ahead and started our vulnerability assessments and started security procedures. We certainly would want to work together with the EPI -- EPA on establishing those guidance documents.

And probably the biggest support would come in the information release. How do you deal with the media? And today, obviously, with one of the things that have taken place, it may not be necessary for

someone to actually physically contaminate the water source. It may simply be that they can convince the media that they have.

So how can we have sufficient science or testing behind us to refute that claim of contamination or maybe where we have to put a lot of effort in so that we can give the message across to the public that the water system still is safe? Even though someone has just stated it, they actually didn't take any action.

And I think the next steps, then, would be to look at the guidance and vulnerabilities, look into the science, support the sciences, support funding around the vulnerability assessment, support funding around investigation on the sciences, and trying to pull together that basic pool of information, that one source for information, instead of being spread out in so many locations.

MR. NASTRI: Thank you. I know that EPA is moving forward on the vulnerability assessments and is also moving forward on mitigation of those assessments.

Obviously, we need to talk about some of the toxicological effects. The ATSDR plays a critical role in supporting our activities and will continue to do so.

I don't think that there's any intent to withhold information from those utilities or

infrastructure or organizations that need that to know, and that's something I think we can address and perhaps work with you a little bit more closer in the near future.

But your comments are appreciated.

MR. RIORDAN: Thank you. Thank you.

MR. NASTRI: Our next speaker is Paul Zykofsky.

SPEECH PRESENTATION

BY MR. ZYKOFSKY:

Good afternoon, and thank you for inviting us to speak at today's forum.

I work at the Local Government Commission, which is a membership organization of local government officials, mostly from the state of California.

And for over 20 years now, we have been working on issues related to the environment, but specifically livable communities and how to create urban places that are more sustainable, more livable, and that encourage people to, I guess, protect our natural resources.

In the interest of brevity, I'm going to go ahead and just read my statement; and if there are any questions, I'd be happy to take those.

September 11 brought with it a new consciousness to the people of the United States, causing us to suddenly feel more vulnerable and less

secure.

The response from the chair of our organization, Santa Barbara councilmember Gil Garcia, provides direction for those in government struggling to find an appropriate role. And I quote, "In this time of national crisis, it is all the more imperative that we continue to build the bond of community from which we derive both comfort and strength."

For the past 20 years, our organization has focused on helping to create more sustainable and more livable communties that are healthy from an environmental, social, and economic standpoint.

We believe that livable communities strategies offer local, state, and federal leaders an important blueprint for strengthening the sense of community in our neighborhoods, towns, and cities at the same time that they provide us with a way to insulate them from the disruption that is the goal of terrorism.

It is a basic principle of ecology that diverse communities are more stable than communities that are homogeneous. The Irish potato famine illustrates the tragedy of relying on a single source of food.

It is our sense that terrorists create much more fear and damage where there is a single target, the destruction of which will have high impact.

Section 157

Our efforts and those of our members in local government have focused on the following strategies which provide strength through diversity, a particularly relevant and important concept today.

The first of these strategies is simply strengthening the bonds of community. It is important to our spiritual healing that we feel a bond to all the residents of our towns and cities.

For example, following the tragedy of September 11, Sacramento's mayor, Heather Fargo, brought the people of the city together and leaders of every religious denomination for a meeting in Sacramento's historic Memorial Auditorium. The site proved a perfect setting for building a strong commitment to the city's history, community, and diversity.

Several observers in New York City had pointed out that in the aftermath of the terrorist strike, New Yorkers were drawn to the public spaces of the city. The need to gather, to share stories, to celebrate and grieve in a common place is basic, human, and universal.

At this time when so many are fighting fear, we cannot afford to react by retreating behind the bars of gated communities or turning our backs on families and individuals that need clean air and water, affordable housing, better schools, and more livable communities.

Section 158

The second strategy that we have been trying to emphasize is diversifying transportation options. New Yorkers were unfortunate in so many ways but fortunate that they live in a very walkable city where there are multiple transportation options.

Those communities working to make their cities more walkable, for example, through the development of pedestrian master plans, such as Portland, Oregon, and Oakland, California, are helping their residents become less vulnerable in the event of an emergency.

By building and developing a wide range of transportation options, including bike paths as well as mass transit and freeways, many communities are trying to increase diversity and redundancy.

At the same time, many cities are working on mixing land uses -- retail, commercial, and residential -- so that people are within walking distance of their daily needs. This helps not only to create more vibrant, livable communities, but also to insulate residents from disruption of their transportation infrastructure.

Given the concern that future oil supplies could also be threatened, and not to mention the role of fossil fuels and global warming, we also believe it is critical -- excuse me -- that more emphasis be given to

the development of alternative fuels.

Some cities, for example, such as Santa Monica, already are using electric cars powered by portable photovoltaic collectors. Others are opting for natural gas as the fuel of choice for their fleets.

A third and related approach is simply diversify our energy supply. The more centralized any system is, the more vulnerable it becomes to a single assault. The more widely dispersed it is, the less likely it is to be undone by an individual catastrophe.

Large power plants provide a rewarding target for terrorists. Many jurisdictions are looking for ways to produce all of their own power through a combination of energy efficiency measures, wind and solar power. For example, the Sacramento Municipal Utility District is helping residents put photovoltaic panels on their rooftops.

A fourth approach that we believe is important to emphasize is securing our food supply.

Many of us have heard stories about the Victory gardens of World War II. They seemed to function as an important rallying point, something that civilians can contribute to the war effort. One would guess that the gardens must also help the residents of this country feel more secure. If the worst happened, at least they

would have something to eat.

A number of our cities, counties, and schools are already developing community gardens. Many are sponsoring farmers markets, helping small local producers stay in business by giving them a place to sell their food.

Community gardens serve a greater purpose than simply providing a supply of food. Jim Diers, the director of Seattle's Department of Neighborhoods, notes that, quote, "Flowers grow in flower gardens, vegetables grow in vegetable gardens, and community grows in community gardens."

Diers has noted that crime rates go down when a community garden appears, and the gardens that serve areas where there are immigrants are resulting in cross-cultural connections with people sharing exotic vegetables and recipes.

Finally, the fifth strategy is one of protecting our water supply, which we just heard about. It would be wise for every community to at least partially supply its own water, the basic necessity of human life.

A particularly innovative project has been initiated by the Inland Empire Utilities Agency. It involves replenishing ground-water systems with recycled

water. Because recycled water contains an unacceptable amount of total dissolved solids, the District plans to dilute it by capturing nonpoint runoff and, through absorption, adding this to the water table. They project that all local water needs can be supplied through this system.

In conclusion, we believe that New York's Mayor Giuliani demonstrated the important role of local leadership in times of disaster. Meanwhile, in less dramatic settings, local elected officials across the country have provided guidance to their communities during these difficult times.

It is our sense that in the changed world we now face, the efforts at the federal, state, and local level to make our communities more sustainable and livable represent a critical aspect of the war against terrorism.

We would specifically like to encourage EPA to continue its work in areas related to livable communities and smart growth. Thank you.

MR. NASTRI: Thank you, Mr. Zykofsky.

Next speaker is Nelson Meeks with the California Manufacturers and Technology Association.

THE REPORTER: We need to break . . .

MR. NASTRI: Oh, I'm sorry.

We're going to take a quick break. It will just be a few minutes.

(Recess 1:41 p.m. to 1:44 p.m. while the reporter restocks steno paper.)

MR. NASTRI: You know, we're ready, so I would ask you all to take your seats.

Nelson, if you're ready, we'll ask you to go ahead and get started.

SPEECH PRESENTATION

BY MR. MEEKS:

Mr. Administrator, members of the panel, good afternoon. My name is Nelson Meeks. I work for the Clorox Company, and I'm testifying today on behalf of the California Manufacturers and Technology Association, otherwise known as CMTA and formerly known as the California Manufacturers Association.

The CMTA works to improve and preserve a strong business climate for California's 30,000 manufacturers, processors, and technology-based companies.

For more than 83 years, CMTA has worked with state and local governments to develop balanced laws, regulations, and policies that stimulate economic growth and create jobs while safeguarding the state's environmental resources.

CMTA represents businesses from the entire

manufacturing community, a segment of our economy that contributes more than $250 billion annually and employs more than 2 million Californians.

At the outset, CMTA wishes to express its appreciation for Region 9's efforts to take a leadership role in the development of policy-related emergency preparedness and in environmental safety.

In so doing, Region 9 provides a venue through which manufacturing and technology companies located in California may more easily provide input to related policy matters.

Since the attacks of September 11th, federal and state officials have reorganized to address issues of homeland security. There is even an office, of course, called the Office of Homeland Security.

CMTA members look forward to becoming part of the process of understanding how to improve homeland security. And to that end, CMTA appreciates Region 9's hosting of today's event. We hope that this will lead to an information exchange that will help CMTA members understand how to effectively participate in federal and state policy development.

CMTA believes that a coordinated effort is important to achieving a good result. And therein lies CMTA's major concern. Currently there does not appear

to be a coordinated process to address policy development for emergency preparedness and environmental safety as it may apply to CMTA members.

CMTA is aware that California has an ongoing effort to develop a security-risk ranking of manufacturing plants. CMTA observes that this risk ranking, or ranking of security risk, may also fall within the purview of the newly formed Office of Homeland Security.

Further, CMTA understands that the Department of Justice is completing a draft report to Congress having to do with manufacturing-plant security. Indeed, it appears that a number of other agencies and governmental bodies are addressing similar issues.

Other than this forum, CMTA has not been invited to provide its input or to participate in the development of policy related to emergency preparedness or environmental safety. CMTA believes it can provide valuable information.

However, CMTA urges caution with regard to process. Safeguards are needed to protect hearings from airing information that would provide tactical knowledge to those with criminal intent -- and I think that it's been brought up by a number of other speakers -- and we think that's a very important point.

CMTA also urges a unified approach so that the business community is not overwhelmed by inconsistent government efforts designed to solve the same problem.

Since September 11th many CMTA members have worked to enhance emergency preparedness measures, as is appropriate, depending upon the nature of member operations.

For example, many members have taken steps to improve employee awareness. We consider this a very important measure because that means more eyes looking to ensure that there aren't things going on that are inappropriate.

Working relationships with local and emergency responders is also an important measure that many of our members are focusing on. This is teamwork with local emergency response providers and has been a focus of much enhanced response measures by many of our members.

Training of on-site employees to be emergency responders, periodic emergency response drills, that was brought up by another speaker that you need to have a plan, and that plan needs to be drilled. That's a very important point, and we support that concept, use of closed-circuit television monitoring and many other technical measures.

We do have a diverse membership, and we look

forward to discussing some specifics by industry segment of the members that we represent.

Finally, with regard to opportunities for improvement, at this time CMTA members observe three deficiencies that EPA may wish to address.

First, there appears to be an opportunity to improve national alert systems that would be used in a major emergency.

For example, our members are aware of gaps in the NOAA in national weather emergency radio frequency coverages.

In this context CMTA views telecommunications as a critical component of emergency preparedness. We experienced this firsthand as an aftermath of the 9/11 events at the Clorox Company.

We were involved in seeking to provide different products that would be needed for the cleanup and the effort to get back on the feet. But what we couldn't do during that process is: We couldn't get ahold of people at Ground Zero because the cell phones were all occupied by different people trying to do the same thing.

There needs to be telecommunication, and this is probably one of the most important things that, at least I can say on behalf of CMTA members, is essential

to ensuring that we can have some sort of coordinated response.

Second, EPA should make it a priority to encourage local communities, municipalities, and businesses to develop emergency preparedness partnerships. Although these efforts appear to be coordinated through FEMA, CMTA is pleased to see that EPA, the state, and other agencies are part of this process, and that's evident by the panel that we see here before us today.

Again, care should be directed to ensure that these partnerships protect sensitive information from those who may unintentionally disseminate it in a manner that increases terrorist threats.

And third, until the Office of Homeland Security has time to establish itself on the West Coast, the EPA may be able to provide CMTA and other business interests with a point of contact. By so doing, the business community may have a better understanding of policy direction and an opportunity to provide input.

In conclusion, the CMTA appreciates Region 9's inquiry into the issue of emergency preparedness and environmental safety. CMTA views this forum as a good first step and looks forward to engaging in a more substantive discussion in the future.

Thank you.

MR. NASTRI: Thanks, Nelson.

I think, as we have mentioned, one of the things that we want to do is sort of improve the relationships at the federal level, but also at the state level.

I think the issues that you raised I think you can also speak with Mr. Borzelleri, Cal. EPA, may have some areas that California can help you directly on some of the state issues, and we'd be more than happy to work with you on some of the federal issues as well. So we look forward to your involvement.

Our next speaker is Terry Thedell of Sempra Energy.

MS. MANGES: Oh, one quick announcement. If Dick Baldwin, Richard Breitmeyer, or David Moore is here, if you could check with me up here. Thanks.

SPEECH PRESENTATION

BY DR. THEDELL:

Hi. I appreciate the opportunity to address this forum.

Sempra Energy is a Fortune 500 company based in San Diego with eight subsidiaries and nearly 12,000 employees. Our family of companies provide a wide spectrum of electric, natural gas, broadband, and

other related products and services to a diverse range of customers. Our utility subsidiaries still serve 21 million consumers, the lartest customer base in any energy utility in the United States.

Sempra Energy is focused on the health and well-being of our community, customers, and employees and feels that the major concerns and problems that need to be addressed include:

First, reducing the possibility of terrorist and criminal attacks on chemical production, transmission, and distribution networks that can pose a serious threat to health, infrastructure, and the environment.

Next, minimize the potential theft of dangerous chemicals from sources for use in terrorist attacks.

Next, vigorously pursue tight security and restrictions in the development, storage, and use of biological weapons at home and abroad.

We also note too a lack of access to analytical methods and materials for the rapid, reliable, and practical evaluation and remediation of biological materials.

And finally, as been stated earlier today, a clear delineation of governmental interagency cooperation.

Sempra Energy's response to these concerns have been twofold in our experience. First, undoubtedly new measures have been taken to increase the physical security of our employees and our facilities.

Secondly, we are taking our own mail stream best practice protection measures to include:

Matching our response to the threat by enumerating risk factors of potential employee exposures to both chemical and biological agents. These risk factors include the job position within the company, location of key business processes, and the opening of generically addressed mail items.

We have also begun instituting both passive and/or active controls ranging from changes in mail-handling procedures to facility isolation and hand screening of mail pieces.

We have already engaged in awareness training of all employees to the threat factors of opening personal mail items.

We have done security site assessment protocols with suspected incidences [sic], and we have had several in our company that we have experienced in October and November.

And finally, the development of both response and remediation methods and materials should a bona fide

chemical-biological incident occur within our company.

Areas in which we think that the EPA can help address these topics include:

Providing for the development of new technologies for safe and secure manufacturing, transport, and use of chemical materials.

Vigorously pursue tight security and res- -- tight security restrictions on the development, storage, and use of biological weapons at home and abroad.

Improve access to analytical methods and materials for rapid, reliable, and practical evaluation and remediation of biological materials.

We also believe to enhance and expand current HAZWOPER provisions with OSHA to help employers combat terrorism and criminal chemical and biological threats.

And finally, look and examine the requirements for the security of bulk chemical storage reporting databases.

And I appreciate this opportunity, and thank you very much.

MR. NASTRI: Thank you.

Our next speaker is Mr. Adam Harper with the California Mining Association.

SPEECH PRESENTATION

BY MR. HARPER:

Good afternoon. Thank you for providing us with this opportunity to speak with you today.

When we first got your request last week, we had already been working on some of these issues and considering them and speaking with some of our members partly as additional conversations we had earlier with EPA.

In looking at the challenges for the mining industry, first I'd like to explain a little bit about the dynamics of the California mining industry and really mention that my comments are really specific to that industry.

The mining industry is varied across the entire scope of Region 9. In California the majority of the mining industry is aggregate, clay, industrial mineral operation; a very small percentage, a few metal operations that are in operation, a rare earth facility, operations of that nature.

Looking at the membership and -- actually, not the members, but the mining industry as a whole, you'll have two- and three-men aggregate operations possibly, which would be a very small operation, might supply a very small local jurisdiction, to a very large operation

that might be a cement plant or a cement operation that would have around 200 to a -- US Borax would have over 800, 900 employees.

There's a wide range of operations. They have a wide range of different security often based on size. You really can't expect much around the three-person operation other than the facility will likely be fenced.

Through the larger operations where you have -- may have very advanced security for a number of reasons, for example, gold operations, because they're pouring gold, obviously have security procedures to protect the resource, which is relatively portable once you produce it.

In terms of the operations themselves, they are highly trained if they do have chemicals on site. We are a highly regulated industry. We even have our own occupational safety administration designated to us; and as such, we have a variety of procedures in place if you meet the requirements. We are trained to do emergency response if we have to be.

And looking at the problem, it's: What can we expect?

Certainly, we know that the minerals are important, and that's the other -- the other key point we have is: If you look at the mining industry,

where -- if it was going to be a target, why it might be a target is if something is hit, like a vital infrastructure, for example, the Golden Gate or the Bay Bridge have been thrown out as target possibilities, where are the resources going to come to rebuild those facilities?

And the answer to that is: Those resources are produced by the mining industry.

So in terms of the environmental consequences of that, mines are permitted -- they are generally permitted in local areas based on projections of what the demand for the resources will be in the area. They don't take into account planning for emergencies that might be required by an attack that really took out a massive piece of infrastructure like the Bay Bridge or the Golden Gate.

As such, a natural minerals policy, which is being discussed at the federal level, is a key element of ongoing security of the nation, and we think it's viable and important from the environmental perspective and that if you have a crisis that requires natural resources and we're going to be getting them, you want those to be coming from facilities that have been through the entire permitting process that are well controlled, have all of the steps in place; and we think

that that's a key issue.

And when you look at permitting mines, that's probably a key issue to consider, that if we're going to be planning for national security measures on our infrastructure, those resource needs should be accounted for as well in terms of our development internally.

In terms of the information issue, which a number of people have discussed, we realize that's a very tricky issue.

We all realize there is information out there that could be used to plan an attack and identify a sensitive facility, and we all realize that the interface between the regulated community and the public and the local agencies that is facilitated by that information is what leads to the trust and the knowledge of the local community of what your operation is.

So that's going to be a tough issue for you, how to control that information so a terrorist can't use it to plan an attack, whereas the local community can have access to it to know that there's no problems with the facility. And I don't envy you in dealing with that issue.

The other issue is an adequate threat assessment, and a few people have mentioned it. We can all go through our operation piece by piece, identify

what we have there and know worst-case scenario if XYZ happened, which is the worst impact we could have.

What we don't know an important part of that equation is: Where do we fall on the need to deal with later?

And that would be determined by what our likely terrorist targets. You know, which terrorist organizations are likely to strike? They're not just allocated. There are others. Do they have different target selection criterias? What would their goals of their impact be?

Terrorism is by definition acts of violence for political means. You look at the New York City attacks; they had a very specific symbolic political purpose. Where do we get that cross reference in industry? What industry is particularly high-impact risk and are going to have that message as well as the other impacts we are worrying about here and so we can account for the resources as we take care of this issue?

Some of the quasi governmental agencies and the water districts, et cetera, have mentioned, you know, the money factor.

I think as we deal with this segment of environmental policy, we need to recognize that we will be addressing potentially regulating on issues that are

not caused by the company, but the attack or the release is caused based on an act of war perpetrated against an industrial facility inside the country that is the result of US policy overseas and not the actions of the company itself. The company is just the target.

We can engineer for earthquakes. We can do all that. That's our responsibility as businesses is the -- potentially some federal responsibility for funding if increased regulations go on industry.

And I think as it is a national security issue, that issue needs to be analyzed. And certainly, you're a regulatory agency; that's not your issue, but it is something that we think should be out there and maybe even grants to help come into compliance with security.

The other issue -- and I haven't heard it raised, and I haven't had time to do a legal research to know what might be there; but if there is an attack on industrial facility, is there Clean Water or Air Act liability potentially inherent in any release for that operation? And that would be potential coverage. Is it considered an act of war or isn't it?

Where would the definition go, and is there a liability there for an operation? I think that's an issue that would be helpful for industry to be resolved. That's downstream after it happened, obviously.

A terrorist act is going to shut you down if it's of the magnitude that we saw at New York City, and that's going to probably have long-term and financial impacts. But are there going to be additional penalties down the road for an operation?

So those are the points I'd like to raise. I did submit a detailed letter that goes through several of these points in detail with some of the specifics of the mining industry. And if anyone needs extra copies, just let me know. Thank you.

MR. NASTRI: Thank you.

The next speaker, Michael Stanley-Jones with the Silicon Valley Toxic Coalition.

MS. MANGES: He's not here.

MR. NASTRI: I guess he had to leave early. How about Ed Yates, California League of Food Processors?

SPEECH PRESENTATION

BY MR. YATES:

Good afternoon. As -- I am Ed Yates with the California League of Food Processors. We are a trade association composed of members who can, freeze, and dehydrate fruits and vegetables in California. That production accounts for about 40 percent of the nation's supply of processed fruits and vegetables.

It's a sizable industry. They process somewhere between 14 and 18 million tons of food. Most of that is accomplished during the 90-day summer harvest period.

They take that product from in excess of a million acres of land. So it's very diverse. And the processors in California are brand-named-type folk who are very sensitive to their product and the product's reputation.

To give you an idea of the magnitude, at peak season there's about 7,000 truckloads a day delivering raw product to processing facilities from mainly up and down the great valley from Bakersfield and up towards Redding.

It is not a concentrated industry in that not only does it involve a lot of acreage of land, but the processing plants are spread out up and down the valley located fairly close to the producing areas. So there's not one particular place where there's a whole lot of them.

The 9/11 events, obviously, have prompted some response from the industry. One can observe that the existing programs that are currently in place for food safety and environmental protection are serving as good templates for the next steps the processors are taking

to assure, to the extent practicable and cost effectively, that the food that they produce has not been contaminated from outside sources.

And, of course, much of our activity has been focused upon by federal Food and Drug, the state Food and Drug folks, USDA, the state Department of Food and Agriculture and, indeed, many of -- including a lot of activity by the University of California and other organizations.

The industry has also had some experience, not experiences that we want to go through very much; but certainly, some of the exotic pest quarantines that have existed and have taken place in California have served sort of as a proving ground about how to look at the crop that's being grown, how it's transported, how it's processed and, indeed, how even the by-products from processing are handled.

Under a quarantine situation, everything that is touched in that quarantine area sort of has a record of transaction and its ultimate fate.

There's been a number of things that specifically processors have undertaken since September. Among those are just obvious things: The mail is received in a separate location, not at the food-processing plant, to eliminate any potential

contamination there. Security fencing, all those typical sorts of things that you do.

Food processing, as you might imagine, doesn't involve a whole lot of hazardous material handling, although things such as chlorine in coffee and things of that nature receive special attention.

There's special emphasis being given to ingredients and, indeed, all where -- at all places in the food chain. Quality assurance documents are being passed up and down the food chain because everyone wants assurances that the things that they are using, the things that they are producing, the things that they are receiving . . .

A lot of products from California goes back East to be remanufactured into other products. And again, a lot of activity.

The bottom line is sort of a risk assessment. Yes, we can assure that every one of the 35 billion containers that we produce is safe. It cost a thousand dollars a can, though, to do that; and nobody could afford that product.

So there is a reasonable logical continuum that exists, and we associate ourselves with other commenters today about the need for coordination and accurate information; and we also are encouraged that everyone is

focusing on this issue, because we rely very much on water, utilities, and those sorts of activities to conduct our operations during the year.

Again, thanks for the opportunity, and I thank you.

MR. NASTRI: Thank you.

The next speaker is Arthur Burton of the American Council of Independent Laboratories.

SPEECH PRESENTATION

BY MR. BURTON:

Well, thank you for inviting our group to speak to you today.

And, you know, I must tell you how much I've enjoyed listening to all of the various speakers today, and it's a real -- I really want to commend the EPA for putting this together in the sense that it's a chance for us to enjoy the richness of various organizations in the Bay Area and in the western states and just been very interesting to listen to the diversity of speakers today.

I'm here to represent the American Council of Independent Laboratories. We're a national group located in Washington, D.C., and we have a western division. I'm chair of the Western Division, represents the members in the 11 western states, and I was asked to

come and speak representing primarily the Western Division.

But on the national scale, we do have approximately 250 member organizations representing approximately 500 of various laboratory facilities in the United States, approximately 10,000 scientists and engineers located in small laboratories and some very large laboratories. And, you know, it's a national resource that, I think, is available to the country. It's available to the country in times of emergency.

We routinely process a variety of samples; but, you know, we would like to get more involved in emergency, such as the one we're currently facing. And I have some ideas on how we might improve communication with the federal government in working together with you.

I had really two ideas I wanted to present. One is something that our group has talked about, is something similar to the National Guard's concept.

We have a huge testing capability; and I might mention, it's primarily environmental testing, but it also covers pharmaceutical testing, material testing, hazardous material testing, bacteriological agent testing, food testing. So we're a group of many different laboratories covering a very diverse

capability.

And again, to get back to this idea of kind of a National Guard concept, what we'd like to propose is -- is a process where we work together more closely to develop a group of laboratories within our group that can function in an emergency response mode when called upon.

And we don't really have any coordination of that kind currently. There's no real system in place that allows an organization like the EPA to reach out quickly to -- to specific laboratories in our organization that might have specific capabilities that you might need or that the federal government might need.

And what I would propose is that we work together, perhaps get some sort of funding from the EPA to fund one of our organizations within our professional association. It's called the Independent Laboratories Institute.

It's a group of people that are capable of taking grant money and doing research to do such things as identify laboratories that have particular capabilities in the private sector or that could be called upon because of their -- their size and financial strength to quickly respond to emergency needs,

bacteriological testing, chemical testing, things of that sort.

So if we could better coordinate that sort of thing where we would have opportunity in advance of a terror event to have systems in place, train -- people trained within the private sector, ready to step forward, you know, much in the way the National Guard can be called upon to step forward, people who could step forward that have expertise in areas of bioterrorism agents, chemical disasters, things of that sort.

So, in other words, we could, through this institute, do surveys and identify capability, providing training, and have that system in place and make sure that folks in the federal agencies are aware that this capability exists so that it can be used in a time of emergency.

Second point I wanted to raise is this concept of test kits.

I think one of the things that we ran into with the anthrax situation is: We as a country have focused on -- take the Environmental Protection Agency, as an example. We have focused on testing methodologies that are extremely complex and are not really amenable to quick response. And we have pushed for procedures that

are defensible in court, let's say, but are not particularly useful in emergency situation.

Now, we still need those kinds of -- of laboratory testing protocols that are actually defensible in an adversarial environment, say, in a courtroom; but I think in times of emergency, what we really need are -- are test kits that work very quickly and that can be used for preliminary screening of a variety of events, whether they are chemical or biological.

We don't have this sort of capability in place. We have -- I'll give you an example.

I -- In California I talked to a fellow in the Department of Health Services that was involved in dealing with the anthrax problem. And what was interesting about it is: We -- In just that event where we had no incidence of anthrax in California but had a variety of hoaxes -- we had, I think, essentially 3,000 hoaxes that involved white powders of various amounts that were passed on beyond the police authorities that responded to these events as potential and possible anthrax-bearing powders -- those 3,000 went -- samples went through a protocol of testing in California that -- that reached its capacity at about 3,000.

In other words, if we had found anthrax in California or if we had found it in a variety of locations, not just postal situations, the state's capacity to deal with that would have been overwhelmed almost immediately.

And again, the private sector is available to come in in times of emergency to provide additional capacity.

But, you know, I think what we have to do in advance of these terror events is do a much better job in developing kits that can quickly respond and that can be in place in the hundreds of laboratories that occur in the private sector around the United States that can be available to local police authorities and so forth for immediate testing and then rely on the county health departments and state health departments to do the follow-up tests.

So we don't have those quick kits in place. There's not much emphasis on that. And I think it's a very appropriate use of EPA funds to provide funding for development of this sort of thing.

There isn't much of a commercial driver for these types of kits, and so they don't really exist. But I think we need them in emergencies, and we need to have some help from the federal government to fund this

sort of thing.

So with that, I'll end. And I -- again, I thank you for the opportunity to be here.

MR. NASTRI: Thank you for raising the issues of capacity. I know that's something that we as an agency nationwide basis are looking at how to make sure -- excuse me -- that we have sufficient capacity to address all the testing. I know it's something that our Superfund division will be looking at closely. So thank you.

And our next speaker is Jeff Homer of General Dynamics.

And I would -- let me, as Jeff's coming up, has Michael Stanley-Jones arrived or . . . ? Okay.

Jeff, you're the closing hitter.

MR. HOMER: Just last, but best of all the game, right?

MR. NASTRI: There you go.

SPEECH PRESENTATION

BY MR. HOMER:

My name is Jeff Homer. I work for General Dynamics Decision Systems in Scottsdale, Arizona. We are basically a communication products manufacturer for the United States Government, military applications and other types of applications as well.

I also serve as an adviser to the Emergency Response Commission, and I also play a leadership role in the Arizona Association of Industry, which is the local chapter of the National Manufacturers Association.

I appreciate the opportunity to speak today. I really have three points I'd like to make. The first is importance of collaborating with other federal agencies, and that's been mentioned in many ways here today.

We would encourage EPA to take the lead in collaborating with other federal agencies on all of your activities, including those that are associated with whatever you have done in association of September 11th.

We would like all rule making and other requirements to be collaborative so they are not duplicative, are not multiple agencies working different ways to solve the same problem.

Historically we have seen that back toward the entire environmental movement from the late '70s on, reporting the same data to different agencies in different ways, and none of them really have what they need to do. That's true also at the state level.

The second point is just a reiteration of what has already been said about concern in both on the industrial commission and on the response commission and also amongst industry and my colleagues there about the

public availability of tier-two, four-alarm hazardous waste types of danger to the public. That is a major concern.

In fact, Dan Rowe, who is director of the Emergency Response Commission, was approached by the EPI -- EPA -- excuse me -- by the FBI after the incident of September 11th for information on high-profile chemical facilities. And he reported to me that they, in turn, went to some of these industries and helped them protect their assets because they had such a high profile in the public record.

I would recognize that a lot has gone into the public's right to know. But when speaking of security, it is a vulnerability.

The third issue is regarding permit flexibility.

One thing that's happened as a result of September 11th is that crisis teams and emergency response teams at General Dynamics and elsewhere amongst my industry colleagues are trying to decide what we should be doing differently and how we should make changes to better protect ourselves and better prepare ourselves for something like that occurred there at the World Trade Center.

And the concept of business continuity always

comes up, which simply is: How do you keep the factory running in the event of a huge disaster like occurred in New York City? What happens to you or to your suppliers or to your customers? How do you do that?

And the first says, "Well, if that happens to our factory, we'll get on the street, move across town, and open up some space, set up again on a temporary basis until things -- this dust settles and everything's clear with our original site."

But one big hurdle is: That is not possible with permitting the way it's done now. Permits are not portable. Air permits, hazardous waste permits, discharge permits, and the like, cannot be moved from facility to facility. And so we'd urge the EPA to consider ways of doing this.

What if in the event of something like that happened, could a company move someplace else on a temporary basis and get a fast air permit in a few days, perhaps, or a hazardous waste permit or industrial waste or a discharge permit or any of those kinds of things?

Probably there are other permits, I'm sure, if you're around water facilities and docks and those kind of things; but in our area it's hazardous waste, air permit, and the like.

The second problem is: If, for example, one

had a factory that was near the World Trade Center and you had all of your power knocked out for several weeks, operating emergency fixed generators for long periods of times would violate existing air permits. They are only permitted for so many hours a year.

There should be some mechanism in the event of a serious disaster that that could be waived or extended in some way so that you could actually operate on said generators for long periods of time until the infrastructure is restored.

Those are my three points. I appreciate the opportunity again, and thank you very much.

MR. NASTRI: Thank you, Mr. Homer.

I'd like to thank everybody for coming today and sharing with us your thoughts and concerns.

I'd especially like to thank my fellow panel members up here. I'll start with my left with Dan Meer from our Superfund group, with Mr. Bill Nelson from the ATSDR, Tom Ridgeway from FEMA, and with Byron Black from the US Coast Guard.

We are all committed to working closely together, communicating. We're going to take everything that we have heard and prepare written reports, share that amongst ourselves, and try to come out with a written plan.

We see today's forum, as was mentioned earlier, as perhaps the first of future forums where we can hopefully come back and report to you sort of the things that we have learned and some of the things that we're going to take back.

I think there were a lot of good issues that were raised, particularly when you look at proactivism, when you look at capacity, when you look at shared responsibility and delineation; those are all things that we are going to be looking at.

So we just ask my fellow panel members if they have any closing comments they'd like to make.

COMMANDER BLACK: [Shaking his head.]

MR. RIDGEWAY: I just think it was very interesting to hear from, again, a very diverse group; and some of the comments were comments that were things that we heard when we went out and talked to state and local governments as well. So it was a reinforcement. Other things are things that we haven't thought about. So it was very -- very worthwhile, and I appreciate the opportunity to be here.

MR. NASTRI: Thank you, Tom.

MR. NELSON: I just want to indicate that in terms of ATSDR, what I really heard that at least something that we can deal with perhaps or directly is

the course of the coordination, definitely the communication.

And I've heard the laboratory services and laboratory issues mentioned many, many times; and hopefully we can carry that back to the individuals that might have the ability to help us out on that.

MR. NASTRI: Well, thank you all again for coming and spending your time today. I know you all have busy schedules, so we really do appreciate it. Again, thank you all for coming and attending.

Meeting's concluded.

(Off record at 2:26 p.m., 12/18/01.)

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Section 195

CERTIFICATE OF REPORTER

I, CHRISTINE M. NICCOLI, Certified Shorthand Reporter of the State of California, do hereby certify that the foregoing meeting was reported by me stenographically to the best of my ability at the time and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand this _____ day of _____, ____.

_____

CHRISTINE M. NICCOLI, C.S.R. NO. 4569

Section 196

Section 198